

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID DRAEGER and DEPARTMENT OF THE AIR FORCE,
LACKLAND AIR FORCE BASE, San Antonio, TX

*Docket No. 03-470; Submitted on the Record;
Issued March 20, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has established that he sustained a right knee injury in the performance of duty on January 6, 2000.

Appellant, a 50-year-old x-ray technician, filed a claim for a traumatic injury on June 27, 2000, alleging that he injured his right knee in the performance of duty on January 6, 2000. Appellant submitted a January 14, 2000 surgical report from Dr. Hilario Trevino, a Board-certified orthopedic surgeon, who diagnosed a severe degenerated torn medial meniscus, for which appellant underwent a total medial meniscectomy chondroplasty of the medial femoral condyle and shaving of the anterior horn of the lateral meniscus. No mention of any traumatic incident was noted.

By letter dated August 30, 2000, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from his treating physician describing his symptoms and an opinion as to whether his claimed condition was causally related to his federal employment. The Office requested that appellant submit the additional evidence within 30 days. Appellant did not respond within 30 days.

By decision dated October 2, 2000, the Office denied appellant's claim, finding that the evidence failed to establish fact of injury. It was noted that the surgical report of Dr. Trevino did not provide any opinion on causal relationship.

By letter dated March 2, 2001, appellant requested a review of the written record.

By decision dated June 18, 2001, an Office hearing representative affirmed the October 2, 2000 Office decision based on a review of the written record.

By letter dated May 7, 2002, appellant requested reconsideration. Appellant submitted a July 6, 2001 report from Dr. Trevino, who noted that he had performed a meniscectomy on appellant's right knee on January 14, 2000, stated findings on examination, and noted appellant's history of injury. Dr. Trevino noted that the etiology of appellant's condition was traumatic in origin, but he stated: "[T]here is no way that I can determine if this injury was sustained while he was working as an x-ray technician or at another place."

By decision dated September 17, 2002, the Office denied modification of the June 18, 2001 hearing representative's decision.

The Board finds that appellant has failed to establish that he sustained a right knee injury in the performance of duty on January 6, 2000.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁶

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Id.* For a definition of the term "injury," see 20 C.F.R. § 10.5(a)(14).

⁶ *Id.*

In this case, it is not contested that appellant experienced the January 6, 2000 employment incident at the time, place and in the manner alleged. However, the question of whether an employment incident caused a personal injury generally can be established only by medical evidence.⁷ Appellant has not submitted rationalized, probative medical evidence to establish that the employment incident on January 6, 2000 resulted in his right knee torn medial meniscus or necessitated surgery on January 14, 2000.

Appellant has not submitted a rationalized, probative medical opinion sufficient to demonstrate that the January 6, 2000 employment incident caused a personal injury or resultant disability. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁸ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence in the present case. The only medical evidence appellant submitted were the reports from Dr. Trevino, who addressed the surgery performed on January 14, 2000. Dr. Trevino noted, however, that, although the origin of appellant's condition was traumatic, he could not determine if it was related to the January 6, 2000 employment incident or any other injury. This medical report does not constitute a rationalized medical opinion or causal relationship. The report of Dr. Trevino does not provide a medical opinion to describe or explain the medical process through which the January 6, 2000 incident caused or contributed to the claimed injury. Appellant has failed to submit probative medical evidence establishing that his right knee injury is related to his employment. The Office properly denied appellant's claim for compensation.

⁷ See *John J. Carlone*, *supra* note 4.

⁸ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁹ *Id.*

The decision of the Office of Workers' Compensation Programs dated September 17, 2002 is affirmed.

Dated, Washington, DC
March 20, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member