United States Department of Labor
Employees' Compensation Appeals Board

ADRIAN D. GONZALEZ, Appellant	)	
	)	**Docket No. 04-1163**
and	)	**Issued: August 17, 2004**
	)	
U.S. POSTAL SERVICE, POST OFFICE	)	
Santo Clarito, CA, Employer	)	

Appearances:
Adrian D. Gonzalez, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chairman
DAVID S. GERSON, Alternate Member
MICHAEL E. GROOM, Alternate Member

JURISDICTION

On March 29, 2004 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated January 13, 2004. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

ISSUE

The issue on appeal is whether appellant has met his burden of proof in establishing that he developed a right knee condition in the performance of duty.

FACTUAL HISTORY

On October 4, 2003 appellant, then a 39-year-old mail processor, filed an occupational disease claim alleging that he sustained a tear of the medial meniscus and anterior cruciate ligament (ACL) of the right knee as a result of performing his mail processor duties. Appellant stopped work on September 8, 2003 and returned to work, with restrictions on lifting, on September 30, 2003.

Appellant submitted notes from Dr. Manuel C. Rivera, a Board-certified internist, dated September 11 to 17, 2003, who advised that appellant would be off work starting September 8, 2003 and could return to light duty on September 19, 2003.

By letter dated November 7, 2003, the Office asked appellant to submit additional information including a comprehensive medical report from his treating physician which included a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to his claimed right knee condition.

Appellant submitted an undated narrative statement which indicated that his right knee condition was caused by performing his duties as a mail processor which included sorting flats, repetitious lifting and throwing of parcels, pushing and pulling mail containers and running mail on the automated machines. He noted a progression of his symptoms and indicated that he informed his supervisor of his injury on September 16, 2003 after receiving the results of the magnetic resonance imaging (MRI) scan of the right knee dated September 19, 2003. The MRI scan revealed a peripheral horizontal tear through the middle posterior thirds of the medial meniscus, mild edema of the ACL suggestive of a partial tear and a small knee effusion. In a medical form dated December 2, 2003, Dr. Thomas Bryan, a Board-certified orthopedist, noted performing arthroscopic surgery on October 16, 2003 and diagnosed chondromalacia of the patella and excision of the plica. He noted with a checkmark "yes" that appellant's condition arose out and in the course of his employment and specifically noted "repetitive movement." The physician advised that appellant was totally disabled from September 8, 2003 to January 6, 2004.

In a decision dated January 13, 2004, the Office denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that his right time condition was caused by the factors of employment as required by the Federal Employees' Compensation Act.[1]

LEGAL PRECEDENT

An employee seeking benefits under the Act has the burden of establishing the essential elements of his or his 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 the 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. 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.[2]

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) factual statement identifying employment factors alleged to have caused or contributed to the presence

[1] 5 U.S.C. §§ 8101-8193.

[2] *Gary J. Watling*, 52 ECAB 357 (2001).

or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by claimant. The medical evidence required to establish causal relationship is generally rationalized medical opinion 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.[3]

ANALYSIS

It is not disputed that appellant worked as a mail processor which involved sorting flats, repetitious lifting and throwing of parcels, pushing and pulling mail containers and running mail on the automated machines. However, the Board finds that the medical evidence is insufficient to establish that appellant developed tears of the medial meniscus and ACL of the right knee causally related to his employment duties. Appellant submitted notes from Dr. Rivera dated September 11 to 17, 2003, who advised that appellant would be off duty starting September 8, 2003 and could return to light duty on September 19, 2003. However, he did not provide findings on examination a history of injury, a diagnosis or an opinion regarding the cause of appellant's right knee condition. A medical report that does not contain such an opinion on causal relationship is insufficient to meet appellant's burden of proof.[4]

Also submitted was a report from Dr. Bryan dated December 2, 2003, who noted performing arthroscopic surgery on appellant's right knee. Although the doctor diagnosed chondromalacia of the patella and excision of the plica and advised that appellant developed tears of the medial meniscus and ACL of the right knee he failed to provide a rationalized opinion regarding the causal relationship between appellant's right knee condition and the factors of employment believed to have caused or contributed to such condition.[5] He merely noted with a checkmark "yes" that appellant's condition arose out and in the course of his employment from repetitive movement. The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value. Dr. Bryan did not explain how repetitive movement in any specific job duty would cause or aggravate the diagnosed condition. Without any explanation or rationale for the conclusion reached, such report is

[3] *Solomon Polen*, 51 ECAB 341 (2000).

[4] *See Michael E. Smith*, 50 ECAB 313 (1999).

[5] *Jimmie H. Duckett*, 52 ECAB 332 (2001); *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

insufficient to establish causal relationship.[6] Therefore, this report is insufficient to meet appellant's burden of proof.

CONCLUSION

The Board therefore finds that, as none of the medical reports provide a rationalized opinion that appellant developed an employment-related injury in the performance of duty, appellant failed to meet his burden of proof.[7]

ORDER

IT IS HEREBY ORDERED THAT the January 13, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 17, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

[6] *Id.*

[7] *See Calvin E. King*, 51 ECAB 394 (2000).