

lifting heavy parcels.¹ The employing establishment noted that appellant stopped work on August 19, 2001. No evidence accompanied appellant's claim.

In a letter dated December 12, 2001, the Office advised appellant of the type of factual and medical evidence needed to establish his claim. The Office requested that appellant submit a physician's reasoned opinion addressing the relationship of his claimed condition and specific employment factors.

In a November 19, 2001 report, Dr. H. Clark Deriso, a Board-certified orthopedic surgeon, diagnosed mild arthritis in the right knee and significant arthritis in the left knee. Dr. Deriso noted that appellant was "quite overweight" and opined that appellant "would have a difficult time of being a letter carrier."

In a January 2, 2002 report, Dr. John M. Downey, a treating Board-certified physiatrist, diagnosed myofascial pain, cervical and lumbar radiculopathy, cervical and lumbar degenerative joint disease, degenerative joint disease of the knees and obesity. He related that an October 18, 1999 bone scan revealed arthritis in the knees. The physician related that appellant believed that his letter carrying duties aggravated his lower extremity, lumbar and cervical pain conditions.

By decision dated February 13, 2002, the Office denied appellant's claim on the grounds that he failed to establish that his conditions were caused by his federal employment duties.

In a letter dated March 6, 2002, appellant's counsel requested an oral hearing. A hearing was held on October 28, 2002 at which appellant provided testimony and submitted medical evidence. At the hearing appellant testified that he was receiving disability compensation from the Veterans Administration for arthritis in his knees.²

By decision dated February 7, 2003, the hearing representative affirmed the February 13, 2002 denial of appellant's claim. The hearing representative found that the medical evidence had established the diagnosis of arthritis but the evidence was insufficient to establish that the arthritis in appellant's knees was causally related to the implicated factors of employment.

LEGAL PRECEDENT

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;³ (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;⁴ and (3) medical evidence establishing that

¹ Appellant retired from the employing establishment effective January 3, 2002.

² At the hearing appellant testified that his last day of work for the employing establishment was November 14, 2000, the date he was involved in a nonemployment-related automobile accident.

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

⁴ *Marlon Vera*, 54 ECAB ____ (Docket No. 03-907, issued September 29, 2003); *Janet L. Terry*, 53 ECAB ____ (Docket No. 00-1673, issued June 5, 2002); *Roger Williams*, 52 ECAB 468 (2001).

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 the claimant.⁵

The medical evidence required to establish causal relationship generally is 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.⁶ The opinion of the physician must be based on a complete factual and medical background of the claimant,⁷ must be one of reasonable medical certainty⁸ 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.⁹

ANALYSIS

The Board finds that the medical evidence of record is insufficient to establish that appellant's bilateral knee conditions were caused or aggravated by factors of his federal employment.

In support of his claim, appellant submitted reports from Drs. Deriso and Downey. Dr. Deriso diagnosed mild arthritis in the right knee and insignificant arthritis in the left knee. With regard to the issue of causal relationship, Dr. Deriso noted appellant was overweight and "would have a difficult time of being a letter carrier." Dr. Deriso provided no opinion regarding the cause of appellant's bilateral knee conditions. Dr. Downey diagnosed myofascial pain, cervical and lumbar radiculopathy, cervical and lumbar degenerative joint disease, degenerative joint disease of the knees and obesity. As to the cause of appellant's condition, Dr. Downey related that appellant believed his employment duties of carrying letters aggravated his lower extremity, lumbar and cervical pain conditions. However, the physician offered no opinion of his own as to the cause of appellant's conditions. Medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value.¹⁰ As neither Dr. Downey nor Dr. Deriso provided an opinion as to the cause of appellant's condition, the Board finds the reports of these physicians to be of diminished probative value.¹¹ These reports are insufficient to establish appellant's claim.

⁵ *Ernest St. Pierre*, 51 ECAB 623 (2000).

⁶ *Conard Hightower*, 54 ECAB ____ (Docket No. 02-1568, issued September 9, 2003).

⁷ *Tomas Martinez*, 54 ECAB ____ (Docket No. 03-396, issued June 16, 2003).

⁸ *John W. Montoya*, 54 ECAB ____ (Docket No. 02-2249, issued January 3, 2003).

⁹ *Judy C. Rogers*, 54 ECAB ____ (Docket No. 03-565, issued July 9, 2003).

¹⁰ *Michael E. Smith*, 50 ECAB 313 (1999).

¹¹ *Franklin D. Haislah*, 52 ECAB 457 (2001); *Jimmie H. Duckett*, 52 ECAB 332 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.¹² Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied appellant's claim for compensation.

CONCLUSION

The Board therefore finds that, as none of the medical reports provided an opinion that appellant developed bilateral knee conditions in the performance of duty, appellant failed to meet his burden of proof.¹³

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 7, 2003 is affirmed.

Issued: June 18, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

¹² See *Robert Broome*, 55 ECAB ____ (Docket No. 04-93, issued February 23, 2004); *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

¹³ See *Calvin E. King*, 51 ECAB 394 (2000).