

**United States Department of Labor
Employees' Compensation Appeals Board**

D.N., Appellant)

and)

U.S. POSTAL SERVICE, POST OFFICE,)
Oklahoma, OK, Employer)

**Docket No. 07-967
Issued: August 1, 2007**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On February 26, 2007 appellant filed a timely appeal from the December 14, 2006 merit decision of the Office of Workers' Compensation Programs, which denied his claim for compensation. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of his claim.

ISSUE

The issue is whether appellant sustained an injury in the performance of duty on October 30, 2006.

FACTUAL HISTORY

On November 1, 2006 appellant, then a 44-year-old letter carrier, filed a claim alleging that he sustained a right knee injury on October 30, 2006 while in the performance of duty: "Went in a new path to mailbox because of a dog and stepped in a small hole hyperextending my right knee." On November 9, 2006 the Office asked appellant to submit medical evidence to support his claim, including a physician's report diagnosing his condition and medically

explaining how the work incident caused or aggravated the injury. The Office advised: “This explanation is crucial to your claim.”

On November 8, 2006 Dr. Richard A. Rivers, a family practitioner, completed a form report. He diagnosed right knee pain and indicated with an affirmative mark that this condition was caused or aggravated by stepping into a hole while delivering mail. Dr. Rivers prescribed a magnetic resonance imaging (MRI) scan.

In a decision dated December 14, 2006, the Office denied appellant’s claim for compensation. The Office found that the incident at work occurred as alleged but denied appellant’s claim because there was no medical evidence providing an objective diagnosis that could be connected to the event.

LEGAL PRECEDENT

The Federal Employees’ Compensation Act provides compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of duty.¹ An employee seeking benefits under the Act has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

A person who claims benefits for a work-related condition has the burden of establishing by the weight of the medical evidence a firm diagnosis of the condition claimed and a causal relationship between that condition and factors of federal employment.³ Causal relationship is a medical issue,⁴ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician’s rationalized opinion on whether there is a causal relationship between the claimant’s diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be one of reasonable medical certainty,⁶ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁷

¹ 5 U.S.C. § 8102(a).

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993).

³ E.g., *Patricia Bolleter*, 40 ECAB 373 (1988).

⁴ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁷ See *William E. Enright*, 31 ECAB 426, 430 (1980).

ANALYSIS

The Office does not dispute that appellant stepped into a small hole while delivering mail on October 30, 2006. Appellant has met his burden to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question that remains is whether this incident caused a specific injury.

Dr. Rivers, the family practitioner, diagnosed no particular medical condition or disease. His diagnosis of knee pain is merely a repetition of appellant's symptom. It identifies no underlying pathology responsible for this pain. As a result, the Office does not know whether appellant has a simple strain/sprain, a ruptured anterior cruciate ligament, a meniscal tear, osteochondritis dissecans or some other right knee pathology. Appellant may well have injured his right knee on October 30, 2006, but as a practical matter, the Office cannot authorize medical treatment or pay compensation for a medical condition that has no identity.

The absence of a differential diagnosis is only part of the problem with the medical evidence. Should Dr. Rivers offer a specific diagnosis of appellant's right knee condition (he ordered an MRI scan), he must still provide sound medical reasoning to explain how stepping into a small hole on October 30, 2006 caused or aggravated this particular medical condition. As the Office advised, his explanation of causal relationship is crucial to appellant's claim.⁸ The Board has held that, when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative or evidentiary value and is insufficient to establish causal relationship.⁹ Appellant's burden includes furnishing an affirmative opinion from a physician who supports his conclusion with sound medical reasoning.

Because the medical evidence fails to establish the critical element of causal relationship, appellant has not met his burden of proof. The Board will affirm the Office's December 14, 2006 decision denying his claim for compensation.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty on October 30, 2006. The medical evidence offers no specific diagnosis of the injury and provides no medical explanation of how the October 30, 2006 incident caused or aggravated that condition.

⁸ See *Connie Johns*, 44 ECAB 560 (1993) (holding that a physician's opinion on causal relationship must be one of reasonable medical certainty, supported with affirmative evidence, explained by medical rationale and based on a complete and accurate medical and factual background). See generally *Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).

⁹ E.g., *Lillian M. Jones*, 34 ECAB 379 (1982).

ORDER

IT IS HEREBY ORDERED THAT the December 14, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 1, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board