



cruciate ligament tear due to squatting down while putting mail in a door slot.<sup>1</sup> The employing establishment controverted the claim noting that January 19, 1998 was a holiday so carriers were all nonscheduled.<sup>2</sup>

On July 13, 1998 appellant filed an occupational disease claim alleging that on July 6, 1998 he first realized that his right knee condition was employment related.<sup>3</sup> He first became aware of his knee condition on February 18, 1998. With his claim appellant submitted reports dated March 24 to July 6, 1998 from Dr. Robert W. Jackson, a treating physician, who diagnosed right medial meniscus tear and partial right anterior cruciate ligament tear. As to the cause of this condition, Dr. Jackson opined that “this type of pathology is completely consistent with a squatting injury.”

In response to the Office’s request for information, appellant addressed his duties as a letter carrier. He related that, around January 15, 1998, he heard his right knee pop after squatting to deliver mail. Appellant’s right knee became painful but he thought he would walk it off.

By decision dated October 23, 1998, the Office denied appellant’s claim on the grounds that fact of injury was not established. The Office found the evidence insufficient to support appellant’s claim that he sustained a traumatic injury on January 15, 1998.

Appellant requested an oral hearing which was held on May 25, 1999. At the hearing he submitted a May 13, 1999 report from Dr. Jackson. He related that appellant’s injury was “completely consistent with a squatting injury associated usually with some minor rotational movement.” Dr. Jackson described the mechanism by which squatting can cause a medial meniscus tear, stating: “there is no question in my mind that this injury was caused by his employment.”

In a decision dated July 1, 1999, an Office hearing representative affirmed the October 23, 1998 decision.

On November 30, 2000 the Board issued an order dismissing appellant’s appeal on the basis that no attorney authorization form had been submitted.<sup>4</sup> In a letter dated December 3, 1999, appellant submitted an attorney authorization form. On June 18, 2001 the Board reinstated his appeal. On July 30, 2003 the Board issued an order remanding the case for reconstruction and proper assemblage of the record.

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<sup>1</sup> This traumatic injury claim was assigned file number 16-0312113.

<sup>2</sup> By decision dated April 4, 1998, the Office denied his claim on the grounds that he was not scheduled to work on January 19, 1998 as it was a holiday. Appellant requested reconsideration, which was denied by the Office in a decision dated June 5, 1998. The Office found that appellant failed to establish that he sustained an injury as alleged.

<sup>3</sup> This occupational disease claim was assigned file number 16-0319010. On August 11, 1998 the Office combined file numbers 16-0319010 and 16-0312113 with the former number as the master number.

<sup>4</sup> Docket No. 00-436 (issued November 30, 2000).

By decision dated April 2, 2004, the Office denied appellant's claim on the grounds that he did not establish an injury as alleged. The Office found that, although the evidence demonstrated that a specific event, incident or exposure occurred at the time, place and in the manner alleged, the medical evidence was insufficient to establish that he sustained an injury in the performance of duty.

On March 21, 2005 appellant, through counsel, requested reconsideration and submitted evidence in support of his request. In December 14, 2004 report, Dr. Jackson opined that appellant "did sustain a tear of the posterior horn of the medial meniscus of his right knee" as well as a partial anterior cruciate tear. He related that a medial meniscus tear was an injury "commonly associated with squatting combined with a rotatory strain on the flexed knee." Dr. Jackson opined that appellant sustained a tear of his medial meniscus, by squatting down to put mail through a mail slot located at the bottom of a door. Appellant also submitted duplicates of evidence previously considered.

By decision dated March 28, 2006, the Office denied modification of its prior decisions.

### **LEGAL PRECEDENT**

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) medical evidence establishing the presence or existence of a condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors identified by the employee were the proximate cause of the condition or illness, 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 employee.<sup>5</sup>

Causal relationship is a medical issue and the medical evidence required to establish causal relationship is rationalized medical evidence.<sup>6</sup> Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between an employee's diagnosed conditions and the implicated employment factors.<sup>7</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed conditions and the specific employment factors identified by the employee.<sup>8</sup>

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<sup>5</sup> *D.D.*, 57 ECAB \_\_\_ (Docket No. 06-1315, issued September 14, 2006); *Donna L. Mims*, 53 ECAB 730 (2002).

<sup>6</sup> *M.W.*, 57 ECAB \_\_\_ (Docket No. 06-749, issued August 15, 2006).

<sup>7</sup> *Sedi L. Graham*, 57 ECAB \_\_\_ (Docket No. 06-135, issued March 15, 2006).

<sup>8</sup> *Kathryn E. Demarsh*, 56 ECAB \_\_\_ (Docket No. 05-269, issued August 18, 2005).

The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.<sup>9</sup>

### ANALYSIS

Appellant contends that he sustained a right knee injury in the performance of duty. The medical evidence reveals a right medial meniscus tear and torn acute cruciate ligament tear. The issue to be resolved is whether appellant sustained these conditions in the performance of duty as a letter carrier

Appellant first attributed his right knee condition to an injury sustained on January 19, 1998, while squatting. After this claim was denied, he filed the occupational disease claim noting that he first became aware that his right knee condition was employment related on February 18, 1998. The medical evidence submitted with the occupational disease claim and appellant's statement attributed his knee injury to a traumatic incident on January 15, 1998, while squatting to deliver mail. This contradicts the date appellant indicated that he first became aware that his knee condition was employment related in his occupational disease claim. Moreover, the Office denied that the squatting incident occurred on January 19, 1998, as this was a nonscheduled workday.

Dr. Jackson, a treating physician, diagnosed a right medial meniscus tear and partial right anterior cruciate ligament tear. He attributed appellant's medial meniscus tear to a squatting injury. In a December 14, 2004 report, Dr. Jackson opined that appellant sustained a medial meniscus tear when he squatted "down to put mail through a mail slot located at the bottom of a door." As noted, the Office denied appellant's traumatic injury claim on the basis that he was not in the performance of duty on January 19, 1998 when the alleged squatting incident occurred. Dr. Jackson did not address how appellant's work duties as a mail handler would cause or contribute to the diagnosed torn meniscus of the left knee beyond attributing the condition to the alleged squatting incident. The Board has held that medical opinions based on an incomplete or inaccurate history are of diminished probative value.<sup>10</sup> As Dr. Jackson relied upon an inaccurate history with respect to the squatting incident, his opinion is of diminished probative value and insufficient to establish appellant's claim.

There is insufficient rationalized medical evidence of record establishing that appellant sustained a knee injury while in the performance of duty as alleged. The Board finds that he has failed to meet his burden of proof.

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<sup>9</sup> *Daniel O. Vasquez*, 57 ECAB \_\_\_\_ (Docket No. 06-568, issued May 5, 2006).

<sup>10</sup> *M.W.*, 57 ECAB \_\_\_\_ (Docket No. 06-749, issued August 15, 2006); *James R. Taylor*, 56 ECAB \_\_\_\_ (Docket No. 05-135, issued May 13, 2005).

**CONCLUSION**

The Board finds that appellant has failed to establish that he sustained an injury while in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated March 28, 2006 is affirmed.

Issued: February 26, 2007  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board