



supervisor which stated, in pertinent part: “I just had my left knee up as I was picking up a pencil and I hurt my left knee ... I may have to see a doctor.”

In a May 4, 2007 medical note, Dr. Harvey Orlin, a Board-certified orthopedic surgeon, advised that appellant was a 6-foot 4-inch, 300-pound man. Appellant was sitting at work on May 2, 2007 and picked up a pencil and then squatted and felt a pulling sensation and pain in his left knee. He developed swelling and difficulty in walking and bending his left knee. No prior history of left knee problems was noted. Dr. Orlin noted his examination findings and the results of x-rays of the left knee. He diagnosed left knee pain, synovitis, chondromalacia patella with early patellofemoral osteoarthritis and quadriceps partial tendon tear of the left knee. The left knee was aspirated of approximately 10 cubic centimeters of clear yellow fluid.

In a letter dated May 23, 2007, the Office informed appellant that the evidence of record was insufficient to support his claim. It advised him to submit additional medical and factual evidence. Appellant was given 30 days to submit the requested information.

In a May 23, 2007 statement, appellant advised that he was working in his cubicle and dropped a pencil he was using on the floor. When he could not reach the pencil sitting, he got up and squatted down to pick it up. Appellant immediately e-mailed his supervisor of his left knee injury. A duplicate copy of Dr. Orlin’s May 4, 2007 medical report was provided. In notes dated May 11 and 30, 2007, he advised that appellant had a work-related injury to his left knee. Also submitted were copies of a May 4, 2007 request for a magnetic resonance imaging (MRI) scan, physical therapy notes and a May 4, 2007 MRI scan report.

By decision dated June 25, 2007, the Office denied appellant’s claim on the grounds that he failed to establish fact of injury.

On July 7, 2007 appellant requested a review of the written record. In a July 9, 2007 statement, he reiterated that he was writing at his work cubicle when he dropped a pencil on the floor. Appellant picked up the pencil as he needed to use it. A June 13, 2007 report from Dr. Orlin noted that appellant sustained a work-related injury to his left knee. He diagnosed synovitis, chondromalacia patella, quadriceps tendinosis and a suggestive tear of the patella quadriceps tendon of the left knee.

By decision dated November 5, 2007, an Office hearing representative affirmed the denial of appellant’s claim, finding that the medical evidence was insufficient to establish causal relationship.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> has the burden of establishing 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 filed within the applicable time limitation; that an injury was sustained while in the performance

---

<sup>1</sup> 5 U.S.C. §§ 8101-8193.

of duty; and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>2</sup>

In order to determine whether an employee sustained a traumatic injury in the performance of duty, the Office must first determine whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that is alleged to have occurred. The second component of fact of injury is whether the incident caused a personal injury and, generally, this can be established only by medical evidence.<sup>3</sup>

When determining whether the implicated employment factors caused the claimant's diagnosed condition, the Office generally relies on the rationalized medical opinion of a physician.<sup>4</sup> To be rationalized, the opinion must be based on a complete factual and medical background of the claimant<sup>5</sup> and must be one of reasonable medical certainty,<sup>6</sup> explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>7</sup>

### ANALYSIS

Appellant alleged he injured his left knee on May 2, 2007 when he bent over to pick up a pencil he had dropped. He noted that he had to squat when he picked up the pencil. The Board finds that the evidence establishes that appellant picked up a pencil as alleged.

Although the May 2, 2007 work incident is established, appellant's burden of proof includes the necessity of submitting medical evidence addressing the causal relationship between his diagnosed conditions and the May 2, 2007 incident. In a May 4, 2007 report, Dr. Orlin treated appellant for left knee pain that appellant reported developed at work when he tried to pick up a pencil from a squatting position. He diagnosed left knee pain, synovitis of the left knee, chondromalacia patella with early patellofemoral osteoarthritis and quadriceps partial tendon tear. However, Dr. Orlin did not address how squatting to pick up a pencil would cause or aggravate the diagnosed conditions.<sup>8</sup> To the extent that the history of injury set forth in his report may be considered as support for causal relationship, he did not provide medical rationale

---

<sup>2</sup> *Caroline Thomas*, 51 ECAB 451 (2000); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Ellen L. Noble*, 55 ECAB 530 (2004).

<sup>4</sup> *Conard Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>5</sup> *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>6</sup> *John W. Montoya*, 54 ECAB 306 (2003).

<sup>7</sup> *Judy C. Rogers*, 54 ECAB 693 (2003).

<sup>8</sup> *A.D.*, 58 ECAB \_\_\_\_ (Docket No. 06-1183, issued November 14, 2006) (medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

explaining how squatting to pick up a pencil would contribute to the left knee conditions.<sup>9</sup> In his June 13, 2007 report, Dr. Orlin opined that appellant had a work-related injury to his left knee, diagnosed as synovitis, chondromalacia patella, quadriceps tendinosis and suggestive tear of the patella quadriceps tendon of the left knee. Again, he failed to address how appellant's employment activities caused or aggravated the diagnosed medical conditions. The medical reports are insufficient to establish appellant's claim as Dr. Orlin did not adequately address the issue of causal relationship.

The Board finds that appellant did not meet his burden of proof in this case. The medical evidence is not sufficient to establish an injury causally related to appellant's May 2, 2007 employment incident.

### **CONCLUSION**

The Board finds that appellant has not established that he sustained an injury on May 2, 2007.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated November 5 and June 25, 2007 are affirmed.

Issued: August 19, 2008  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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

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

---

<sup>9</sup> *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value); *Jimmie H. Duckett*, 52 ECAB 332 (2001).