

he stood up on January 5, 2008. He diagnosed a left knee sprain and meniscal tear. Dr. Catana checked a box “yes” indicating his support for causal relationship. He noted work restrictions.

In a January 14, 2008 letter, the Office advised appellant of the additional medical and factual evidence needed to establish his claim. It emphasized the importance of corroborating the claimed incident and submitting rationalized medical evidence explaining how and why that incident would cause the claimed injury. Appellant was afforded 30 days to submit additional evidence.

Appellant submitted a January 14, 2008 employing establishment form letter discussing continuation of pay and leave matters.

By decision dated February 19, 2008, the Office denied appellant’s claim on the grounds that fact of injury was not established. It found that appellant established that the January 5, 2008 incident occurred as alleged. However, appellant submitted insufficient medical evidence establishing that the incident caused the claimed left knee injury.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act¹ 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 of duty as alleged; and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.³

In order to determine whether an employee sustained a traumatic injury in the performance of duty, the Office begins with an analysis of whether “fact of injury” has been established. Generally, fact of injury consists of two components that must be considered jointly. First, the employee must submit sufficient evidence to establish that he or she actually experienced the alleged employment incident.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989).

³ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

⁴ *Gary J. Watling*, 52 ECAB 278 (2001).

⁵ *Deborah L. Beatty*, 54 ECAB 340 (2003).

ANALYSIS

Appellant claimed that he injured his left knee on January 5, 2008 while getting out of a chair at work. The Office accepted that the incident occurred as alleged, but the Office denied the claim on the grounds that the medical evidence submitted was insufficiently rationalized to establish that the accepted incident caused the claimed injury.

Dr. Catana, an attending osteopathic physician Board-certified in orthopedic surgery, checked a box “yes” indicating that arising from a chair caused a left knee injury. Appellant did not provide medical rationale explaining how and why the accepted January 5, 2008 incident would cause the diagnosed left knee sprain and meniscal tear. When a physician’s opinion on causal relationship consists only of checking yes to a form question, without explanation or rationale, that opinion is of diminished probative value and is insufficient to establish a claim.⁶

The Office advised appellant by letter dated January 14, 2008 of the need to submit rationalized medical evidence explaining how and why the accepted January 5, 2008 incident would cause the claimed left knee injury. Appellant did not submit such evidence. Therefore, he did not meet his burden of proof.

CONCLUSION

The Board finds that appellant has not established that he sustained a left knee injury in the performance of duty.

⁶ *D.D.*, 57 ECAB 734 (2006).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 19, 2008 is affirmed.

Issued: October 7, 2008
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board