



Because appellant submitted no medical evidence to support her claim, by letter dated March 31, 2008, the Office notified her that the materials she submitted were insufficient to establish her claim. She was advised to submit further factual evidence, including witness statements, and a medical report with a diagnosis and a physician's opinion as to the cause of the diagnosed condition. Appellant was advised that her claim would be adjudicated as a traumatic injury, as she had alleged an event occurring on July 9, 2007.

In an August 8, 2007 note, Dr. Preston Givens, Board-certified in family medicine, diagnosed left knee pain and prepatellar bursitis.

Appellant submitted the January 4, 2008 medical report of Dr. Louis S. Parvey, Board-certified radiologist, who reported that a magnetic resonance imaging (MRI) scan revealed early chondromalacia of the medial facet of the patella with cartilaginous cleft. The MRI scan also showed chondromalacia of the lateral femoral condyle with degeneration and a horizontal cleavage tear involving the anterior horn of the lateral meniscus.

In a January 15, 2008 medical report, Dr. Kenneth S. Weiss, a Board-certified orthopedic surgeon, diagnosed a suspected lateral meniscus tear and chondromalacia of the left knee patella. He reported that physical examination revealed tenderness over the medial and lateral patella facet as well as some hypersensitivity to light palpation.

On April 10, 2008 Dr. Weiss treated appellant for left knee pain. He reiterated the diagnosis of left knee pain/patella chondromalacia, left knee lateral meniscus tear and left knee pes anserinus bursitis.

By decision dated May 9, 2008, the Office accepted that the July 9, 2007 incident occurred as alleged but denied appellant's claim because the medical evidence was insufficient to establish she sustained a left knee injury causally related to her work on that date.

### **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 timely filed within the applicable time limitation period of the Act, that an injury was sustained 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.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

established. Generally, fact of injury consists of two components which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.<sup>4</sup> The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.<sup>5</sup>

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. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, 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.<sup>6</sup> The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.<sup>7</sup>

### ANALYSIS

The Office accepted that the alleged employment incident occurred as alleged on July 9, 2007. However, it denied the claim as appellant submitted insufficient medical evidence to establish that her left knee condition was caused or aggravated by her federal employment.

The relevant medical evidence consists of reports from Drs. Givens, Parvey and Weiss. The physicians noted findings on examination but provided no opinion addressing how her left knee condition was caused by the accepted incident or any other factor of her federal employment. Medical reports that do not contain medical rationale explaining the causal relationship between the employment incident and the diagnosed condition are insufficient to meet an employee's burden of proof.<sup>8</sup>

Dr. Givens provided several diagnoses, including knee pain and prepatellar bursitis. The physician did not explain any causal connection between the diagnosed conditions and appellant's federal employment. To establish a causal relationship, a claimant must submit a physician's opinion addressing the employment factors identified as causing the claimed condition. Based on the findings upon examination, the physician must explain whether the

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<sup>4</sup> *Michael E. Smith*, 50 ECAB 313 (1999).

<sup>5</sup> *Id.*

<sup>6</sup> *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>7</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).

<sup>8</sup> *Lois E. Culver (Clair L. Culver)*, 53 ECAB 412 (2002).

injury was caused or aggravated by the employee's work duties and present medical rationale in support of his or her opinion.<sup>9</sup>

The January 4, 2008 medical report of Dr. Parvey also reported his findings upon review of an MRI scan obtained of appellant's left knee. While his report contains a diagnosis, the diagnostic study provides no rationalized medical opinion concerning how appellant's left knee condition was causally related to her federal employment duties or the incident of July 9, 2007.

On January 15, 2008 Dr. Weiss diagnosed a left knee suspected lateral meniscus tear is equivocal and, therefore, the report is of limited probative value.<sup>10</sup> He did not provide a rationalized medical opinion addressing how the diagnosed left knee conditions were casually related to appellant's federal employment duties or the accepted employment-related incident.

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference or presumption that there is a causal relationship between the two.<sup>11</sup> Neither the fact that the condition became apparent during a period of federal employment nor the belief that the condition was caused or aggravated by an employment incident or factor(s) is sufficient to establish causal relationship.<sup>12</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.<sup>13</sup>

The Office advised appellant of her responsibility to provide a comprehensive medical report which described his symptoms, test results, diagnosis, treatment and a physician's opinion on the cause of her condition. Appellant failed to submit sufficient medical evidence in response to the Office's request. As the medical evidence does not address how her employment caused or aggravated her left knee condition, she has not met her burden of proof in establishing she sustained a medical condition causally related to factors of her federal employment.

### **CONCLUSION**

The Board finds that appellant has not met her burden of proof in establishing that she sustained a left knee injury.

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<sup>9</sup> *J.M.*, 58 ECAB \_\_\_\_ (Docket No. 06-2094, issued January 30, 2007); *D.E.*, 58 ECAB \_\_\_\_ (Docket No. 07-27, issued April 6, 2007).

<sup>10</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Developing and Evaluating Medical Evidence*, Chapter 2.810.3(g) (April 1993).

<sup>11</sup> *Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>12</sup> *Id.*

<sup>13</sup> *See Edgar G. Maiscott*, 4 ECAB 558 (1952) (holding appellant's subjective symptoms and self-serving declarations did not constitute evidence of a sufficiently substantial nature); *Samuel Buchanan*, 7 ECAB 441 (1955).

**ORDER**

**IT IS HEREBY ORDERED THAT** the May 9, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 12, 2009  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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