

appellant felt a sharp pain in his right hip. This caused him to limp slightly and favor his right side while walking. Appellant later felt stiffness and discomfort in his hip. He stated that he had not experienced any hip pain or limitation prior to the April 1, 2011 work incident. Appellant submitted statements from several people whom he told about the injury.

Appellant saw Dr. George J. Tischenko, a Board-certified orthopedic surgeon, on October 19, 2012. An x-ray of the pelvis showed severe end-stage osteoarthritic disease of the right hip with large spurs and slightly dysplastic acetabular.

Dr. William B. Workman, a Board-certified orthopedic surgeon, evaluated appellant on May 5, 2014. He related appellant's history of injury. Findings included diminished range of the right hip and pain. X-rays showed evidence of bone-on-bone osteoarthritis in the right hip with maintenance of space in the left hip. Dr. Workman noted that appellant had a pain-free hip on April 1, 2011 that changed acutely into chronic hip pain. "It is related to hip osteoarthritis in the right side and why he may have had some degenerative changes in the hip." Noting again that appellant had no pain at all at the time of injury, Dr. Workman found that the accepted incident created appellant's current problem, which would require a hip resurfacing arthroplasty.

In a decision dated June 27, 2014, OWCP denied appellant's injury claim. It found that the April 1, 2011 work incident occurred as alleged, but the medical evidence was insufficient to establish that it caused his right hip condition.

Appellant argues that his employee statement clearly stated when, where, and how the injury occurred, as did a statement from a coworker. He argues that Dr. Workman's May 5, 2014 report also provided the work-related injury details. Appellant believes that this report satisfies the requirements of causal relationship.

LEGAL PRECEDENT

FECA provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.² An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim. When an employee claims that he or she sustained an injury in the performance of duty, he or she must submit sufficient evidence to establish that he or she experienced a specific event, incident or exposure occurring at the time, place, and in the manner alleged. He or she must also establish that such event, incident or exposure caused an injury.³

Causal relationship is a medical issue,⁴ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be

² 5 U.S.C. § 8102(a).

³ *John J. Carlone*, 41 ECAB 354 (1989).

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

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

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

ANALYSIS

OWCP accepts that the April 1, 2011 work incident occurred as alleged. He jumped over a fence approximately four to five feet high during a surveillance and arrest warrant operation. Appellant has therefore 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 an injury.

Causal relationship is a medical issue. Appellant cannot establish this necessary element by submitting a claim form or witness statements, nor can he establish causal relationship with statements from those who heard him speak about his right hip. Causal relationship must be established by rationalized medical opinion evidence.

Appellant saw Dr. Tischenko, an orthopedic surgeon, in 2012, but he offered no opinion on causal relationship. Dr. Tischenko did not mention the April 1, 2011 work incident or attempt to explain how appellant's severe end-stage osteoarthritic disease of the right hip might be related to it.

The only medical evidence that supports causal relationship is the May 5, 2014 report from Dr. Workman, another orthopedic surgeon, who demonstrated his understanding of what happened on April 1, 2011 by describing the work incident. Appellant had diminished range of motion and pain, and x-rays showed bone-on-bone osteoarthritis in the right hip. It was Dr. Workman's opinion that the April 1, 2011 work incident created appellant's current right hip problem. He explained that appellant had a pain-free hip that changed acutely on April 1, 2011 into chronic hip pain. Dr. Workman thus based his conclusion on the temporal sequence of events. The Board has held, however, that when a physician concludes that a condition is causally related to an employment incident because the employee was asymptomatic before the employment incident, the opinion is insufficient, without supporting medical rationale, to establish causal relationship.⁸

A temporal or chronological relationship standing alone is insufficient to explain from an orthopedic or biomechanical point of view how the incident caused or contributed to appellant's

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

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

⁸ *Thomas D. Petrylak*, 39 ECAB 276 (1987). In *Petrylak*, the claimant had a fever of unknown origin, dizziness and generalized weakness. A physician stated that he had to assume these symptoms were related to an earlier dog bite "since chronologically at least he was completely asymptomatic previously and has had a physical previously which was reported as normal." The Board found this opinion speculative and held that an opinion that a condition was causally related to an employment incident because the employee was asymptomatic before the incident was insufficient, without supporting rationale, to establish causal relation.

right hip osteoarthritis. Dr. Workman simply noted the history that appellant related of being asymptomatic prior to the April 1, 2011 work incident.

Although Dr. Workman's opinion offers superficial support for appellant's claim, it is not sufficiently rationalized to establish the critical element of causal relationship. The Board therefore finds that appellant has not met his burden to establish that the April 1, 2011 work incident caused an injury. The Board will affirm OWCP's June 27, 2014 decision denying his injury claim.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden to establish that the April 1, 2011 work incident caused an injury. The medical opinion evidence is not sufficiently well rationalized to establish the critical element of causal relationship.

ORDER

IT IS HEREBY ORDERED THAT the June 27, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 9, 2015
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board