

**United States Department of Labor
Employees' Compensation Appeals Board**

C.P., Appellant)	
)	
and)	Docket No. 18-1645
)	Issued: March 8, 2019
U.S. POSTAL SERVICE, POST OFFICE,)	
Mamaroneck, NY, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
CHRISTOPHER J. GODFREY, Chief Judge
ALEC J. KOROMILAS, Alternate Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 30, 2018 appellant filed a timely appeal from a July 20, 2018 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether appellant has met her burden of proof to establish that her left knee internal derangement was causally related to the accepted March 29, 2018 employment injury.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the July 20, 2018 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On April 10, 2018 appellant, then a 43-year-old city carrier assistant, filed a traumatic injury claim (Form CA-1) alleging that, on March 29, 2018, she sustained a left knee injury when she was struck by a metal object while in the performance of duty. On the reverse side of the claim form, the employing establishment indicated that appellant stopped work on March 30, 2018 and returned to work on April 1, 2018. By decision dated July 20, 2018, OWCP accepted appellant's claim for left knee contusion.

In both a medical report and a duty status report (Form CA-17) dated April 4, 2018, Dr. Cathleen Bechan-Dugan, Board-certified in family medicine, diagnosed a "left knee injury." She indicated that appellant could return to work with restrictions on April 4, 2018.

In a letter dated April 18, 2018, the employing establishment controverted appellant's claim regarding Dr. Bechan-Dugan's April 4, 2018 opinion that appellant could return to work in a modified-duty capacity with restrictions.

By development letter dated April 20, 2018, OWCP noted that appellant's injury initially appeared to be a minor injury that resulted in minimal or no lost time from work. Consequently, it administratively approved a limited amount of medical expenses. However, OWCP indicated that the case was reopened for consideration because the employing establishment had challenged her claim. It advised appellant on the deficiencies of her claim. OWCP requested additional factual and medical evidence and provided a questionnaire for her completion. It afforded appellant 30 days to submit the requested information.

In a medical report dated March 29, 2018, received by OWCP on May 14, 2018, Dr. Jennifer Galjour, a physician specializing in emergency medicine, examined appellant and diagnosed left knee contusion and left knee pain.

By letter dated May 17, 2018, OWCP advised appellant that their initial development letter dated April 20, 2018 had not been mailed to her correct address, therefore she would be afforded another 30 days to submit the necessary evidence.

In a progress report dated April 4, 2018, received by OWCP on June 11, 2018, Dr. Bechan-Dugan indicated that appellant was working without restrictions and diagnosed "left knee injury."

In a progress report dated April 9, 2018, received by OWCP on June 15, 2018, Dr. Juan Gonzalez, a physician specializing in emergency medicine, noted a diagnosis of left knee contusion.

In a medical report dated June 20, 2018, Dr. Wilson Arnold, Board-certified in orthopedic surgery, examined appellant and diagnosed an unspecified internal derangement of the left knee. He indicated that appellant could not return to work because she was disabled.

On July 11, 2018 appellant filed a claim for leave without pay (LWOP) (Form CA-7) for the dates May 12 to June 22, 2018 for the diagnosed medical condition of left knee internal derangement.

In a subsequent development letter regarding the claim for LWOP dated July 20, 2018, OWCP advised appellant that the evidence received to date was insufficient to support her claim for compensation, and additional evidence was needed to establish disability for work during the entire period claimed. It noted that appellant's physician was required to submit a complete and comprehensive narrative report, which included a history of her injury and a thorough explanation with objective findings, as to how the accepted employment-related condition was solely the reason she was no longer able to perform the duties of her position when she stopped work on March 30, 2018. OWCP afforded appellant 30 days to submit the requested information.

By decision dated July 20, 2018, OWCP accepted appellant's claim for left knee contusion.

Also, by separate decision dated July 20, 2018, OWCP denied appellant's claim for compensation with regard to the diagnosed medical condition of left knee internal derangement. It found that she had not submitted a well-reasoned medical opinion supported by objective findings as to how the accepted employment event either directly caused or aggravated the diagnosed medical condition of left knee internal derangement.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish 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 FECA, 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 or specific condition for which compensation is claimed is causally related to the employment injury.⁴ 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.⁵

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.⁶ 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 employee.⁷ Neither the mere fact that a disease or condition manifests itself during a period of employment,

³ *Supra* note 1.

⁴ *J.P.*, Docket No. 18-1165 (issued January 15, 2019); *Alvin V. Gadd*, 57 ECAB 172 (2005); *Anthony P. Silva*, 55 ECAB 179 (2003).

⁵ *J.P.*, *id.* See *Elizabeth H. Kramm (Leonard O. Kramm)*, 57 ECAB 117 (2005); *Ellen L. Noble*, 55 ECAB 530 (2004).

⁶ *G.N.*, Docket No. 18-0403 (issued September 13, 2018); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁷ *K.V.*, Docket No. 18-0723 (issued November 9, 2018); *Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that her left knee internal derangement was causally related to the accepted March 29, 2018 employment injury.

Appellant's claim has been accepted for the condition of left knee contusion; however, she subsequently filed a claim for wage loss from May 12 to June 22, 2018 for the diagnosed medical condition of left knee internal derangement. With regard to the diagnosed medical condition of left knee internal derangement, the only medical report of record that diagnosed internal derangement of the left knee was the June 20, 2018 report from Dr. Arnold. Dr. Arnold diagnosed left knee internal derangement, but provided no opinion regarding causal relationship. Medical evidence that does not offer an opinion regarding the cause of the employee's condition is of no probative value on the issue of causal relationship.⁹ A medical opinion should reflect a correct history and offer a medically sound explanation by the physician of how the specific employment incident physiologically caused or aggravated the diagnosed condition.¹⁰ As Dr. Arnold's report is deficient in this regard, his report is of no probative value.¹¹

The Board therefore finds that appellant has not met her burden of proof to establish that her left knee internal derangement was causally related to the accepted March 29, 2018 employment injury as she failed to submit sufficient medical evidence setting forth a rationalized opinion on the issue of causal relationship.

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 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that her left knee internal derangement was causally related to the accepted March 29, 2018 employment injury.

⁸ *J.P.*, *supra* note 4; *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁹ *See S.M.*, Docket No. 18-1547 (issued January 28, 2019).

¹⁰ *R.K.*, Docket No. 17-0151 (issued December 12, 2018); *J.M.*, Docket No. 17-1002 (issued August 22, 2017).

¹¹ *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

ORDER

IT IS HEREBY ORDERED THAT the July 20, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 8, 2019
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board