

ISSUE

The issue is whether appellant has met his burden of proof to establish a right knee condition causally related to the accepted November 28, 2018 employment incident.

FACTUAL HISTORY

On November 29, 2018 appellant, then a 39-year-old customs and border protection officer, filed a traumatic injury claim (Form CA-1) alleging that on November 28, 2018 he sustained an injury to his right knee when it impacted the metal corner of a secondary inspection area conveyor belt while in the performance of duty.

In a work status report of even date, Dr. Michael Dao, Board-certified in family medicine, indicated that appellant was unable to return to work until December 10, 2018.

In a December 13, 2018 work status report, Dr. Dao indicated that appellant would be unable to return to work until December 24, 2018. He also indicated that appellant should perform no running, prolonged standing, climbing stairs, or prolonged lifting for two to three weeks.

In a December 20, 2018 medical report, appellant was seen by Dr. Trong Nguyen, a Board-certified orthopedic surgeon. Dr. Nguyen noted tenderness in appellant's right medial collateral ligament (MCL) and a right knee contusion related to hitting it against a metal edge corner. The same day, appellant underwent an x-ray of his right knee performed by Dr. David Juice, a Board-certified radiologist, which found no acute osseous abnormality. Based on Dr. Juice's findings, Dr. Nguyen diagnosed internal derangement of the right knee and ordered a magnetic resonance imaging (MRI) scan of his right knee for further evaluation. Dr. Nguyen also provided that appellant would need to remain off work until January 21, 2019.

In Dr. Nguyen's January 22, 2019 medical report, he noted appellant's symptoms had gradually improved. He also indicated that a January 12, 2019 MRI scan revealed no meniscus or ligament tear and noted no structural damage pathology in the right knee.

In a development letter dated February 22, 2019, OWCP informed appellant that his claim initially appeared to be a minor injury that resulted in minimal or no lost time from work and that continuation of pay was not controverted by the employing establishment, and thus limited expenses had therefore been authorized. However, a formal decision was now required. OWCP requested that appellant submit a narrative medical report from his physician which contained a detailed description of findings and diagnoses, explaining how the reported incident caused or aggravated his medical condition. It afforded him 30 days to respond.

In response, appellant submitted the results of the January 12, 2019 MRI scan of his right knee. In a radiology report authored by Dr. Keith Burnett, a Board-certified radiologist, he noted that the MRI scan was negative for a ligament sprain or meniscus tear.

Appellant also submitted copies of Dr. Juice's December 20, 2018 x-ray and Dr. Nguyen's January 22, 2019 medical report already of record.

By decision dated March 28, 2019, OWCP denied appellant's claim finding that the evidence of record was insufficient to establish that his right knee condition was causally related to the accepted November 28, 2018 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁴ 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 timely filed within the applicable time limitation period of FECA,⁵ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁶ 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.⁷

To determine whether a federal employee has sustained a traumatic injury in the performance of duty it must first be determined whether fact of injury has been established.⁸ First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged.⁹ Second, the employee must submit sufficient evidence to establish that the employment incident caused a personal injury.¹⁰

Causal relationship is a medical issue and the medical evidence required to establish causal relationship is rationalized medical opinion evidence.¹¹ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is 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.¹²

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a right knee condition causally related to the accepted November 28, 2018 employment incident.

In Dr. Nguyen's December 20, 2018 medical report, he noted a contusion in appellant's right knee and diagnosed internal derangement of the right knee related to hitting it against a metal

⁴ *Supra* note 1.

⁵ *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁶ *S.C.*, *id.*; *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁷ *S.C.*, *supra* note 5; *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁸ *R.C.*, Docket No. 19-0376 (issued July 15, 2019).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *M.B.*, Docket No. 17-1999 (issued November 13, 2018).

¹² *M.L.*, Docket No. 18-1605 (issued February 26, 2019).

edge corner. Although he attributed appellant's internal derangement of the right knee to hitting it against a metal edge corner while in the performance of duty, the Board finds Dr. Nguyen's report did not explain the pathophysiological process of how hitting his right knee on November 28, 2018 would have caused or contributed to the internal derangement of the right knee.¹³ A physician must provide a narrative description of the identified employment incident and a reasoned opinion on whether the employment incident described caused or contributed to appellant's diagnosed medical condition.¹⁴ Because Dr. Nguyen did not provide a reasoned opinion explaining how the November 28, 2018 employment incident caused or contributed to his right knee condition, the Board finds that this report is insufficient to establish appellant's claim.

Dr. Nguyen's remaining January 22, 2019 medical report acknowledged appellant's right knee contusion. However, he did not opine as to the cause of appellant's condition. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹⁵ Therefore, Dr. Nguyen's January 22, 2019 report is also insufficient to establish appellant's claim.

Similarly, Dr. Dao's November 29 and December 13, 2018 work status reports provided physical restrictions, but did not opine on appellant's diagnosed condition or whether it was causally related to the November 28, 2018 employment incident.¹⁶ These reports are, therefore, insufficient to establish appellant's claim.

OWCP also received Dr. Juice's December 20, 2018 x-ray report and Dr. Burnett's January 12, 2019 MRI scan report. The Board has held that reports of diagnostic tests lack probative value as they do not provide an opinion on causal relationship between the accepted employment factors and a diagnosed condition.¹⁷ For this reason, this evidence is insufficient to establish appellant's claim.

As appellant has not submitted rationalized medical evidence establishing that his right knee condition is causally related to the accepted November 28, 2018 employment incident, the Board finds that he has not met his burden of proof to establish his 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 of proof to establish a right knee condition causally related to the accepted November 28, 2018 employment incident.

¹³ See *T.K.*, Docket No. 18-1239 (issued May 29, 2019).

¹⁴ *Id.*

¹⁵ See *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁶ *Id.*

¹⁷ See *D.B.*, Docket No. 19-0481 (issued August 20, 2019).

ORDER

IT IS HEREBY ORDERED THAT the March 28, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 22, 2019
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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