

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

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**J.H., Appellant**

**and**

**U.S. POSTAL SERVICE, SAINT JOSEPH POST  
OFFICE, St. Joseph, MO, Employer**

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**Docket No. 20-0649  
Issued: November 10, 2020**

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

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

CHRISTOPHER J. GODFREY, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On January 30, 2020 appellant filed a timely appeal from a January 3, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant has met her burden of proof to establish a left knee condition causally related to the accepted factors of her federal employment.

**FACTUAL HISTORY**

On October 14, 2019 appellant, then a 41-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that she developed Hoffa's syndrome in her left knee due to factors of her federal employment, including repetitive movement. She explained that she

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

experienced severe pain in the left knee and that her knee gives out. Appellant noted that she first became aware of her condition and realized its relationship to her federal employment on October 8, 2019. She did not stop work.

In a September 26, 2019 medical report, Dr. Corey Trease, a Board-certified orthopedic surgeon, noted that appellant complained of left knee pain and that cortisone shots were no longer helping her. He recommended a magnetic resonance imaging (MRI) scan of the left knee.

An October 4, 2019 left knee MRI scan revealed trace edema at the superior lateral aspect of Hoffa's fat pad and diffuse partial thickness cartilage thinning over the lateral patellar facet and lateral trochlear ridge without underlying subchondral marrow edema. It demonstrated no acute osseous injury.

In an October 8, 2019 medical report, Dr. Trease reviewed the October 4, 2019 MRI scan and diagnosed Hoffa's syndrome in the left knee.

In an undated statement, appellant noted that she had been seen by an orthopedic specialist for severe pain in her left knee. She indicated that she walked 13 miles a day and that cortisone shots no longer worked.

In a November 6, 2019 development letter, OWCP informed appellant that the evidence submitted was insufficient to establish her claim. It advised her of the type of factual and medical evidence necessary to establish her claim and attached a factual questionnaire for her completion. In a separate development letter of even date, OWCP requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor and an explanation of appellant's work activities. It afforded both parties 30 days to submit the necessary evidence.

In a November 12, 2019 general medical and surgical authorization request, Dr. Trease again noted a diagnosis of Hoffa's syndrome.<sup>2</sup>

A December 3, 2019 letter from the employing establishment controverted appellant's claim, asserting that she also worked as a bartender and previously sustained multiple injuries while riding a motorcycle, a four-wheeler, and horses. It also provided a job description for a city carrier.

By decision dated January 3, 2020, OWCP denied appellant's occupational disease claim finding that the medical evidence of record was insufficient to establish that her diagnosed condition was causally related to the accepted factors of her federal employment.

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<sup>2</sup> OWCP received physical therapy reports dated October 28 and 31, 2019, which the Board notes related to OWCP File No. xxxxxx176.

## LEGAL PRECEDENT

An employee seeking benefits under FECA<sup>3</sup> has the burden of proof to establish the essential elements of his or her claim, including 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 of FECA,<sup>4</sup> 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.<sup>5</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>6</sup>

To establish that, an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>7</sup>

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical opinion evidence.<sup>8</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, 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 specific employment factors identified by the employee.<sup>9</sup>

## ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a left knee condition causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted a series of medical reports from Dr. Trease who diagnosed Hoffa's syndrome in the left knee. While he provided a firm medical diagnosis, he did not offer a specific opinion as to whether her employment caused or aggravated her

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *J.W.*, Docket No. 18-0678 (issued March 3, 2020); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</sup> *J.S.*, Docket No.18-0657 (issued February 26, 2020); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>6</sup> *L.J.*, Docket No. 19-1343 (issued February 26, 2020); *R.R.*, Docket No.18-0914 (issued February 24, 2020); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>7</sup> *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *R.H.*, 59 ECAB 382 (2008).

<sup>8</sup> *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *T.H.*, 59 ECAB 388, 393 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>9</sup> *R.G.*, Docket No. 18-0792 (issued March 11, 2020); *D.J.*, Docket No. 19-1301 (issued January 29, 2020); *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

diagnosed 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.<sup>10</sup> These reports, therefore, are insufficient to establish appellant's claim.

Finally, appellant submitted an October 4, 2019 left knee MRI scan. However, the Board has held that reports of diagnostic tests, standing alone, lack probative value on the issue of causal relationship as they do not provide an opinion as to whether the accepted employment factors were sufficient to have caused the diagnosed conditions.<sup>11</sup> Therefore, this evidence is also insufficient to establish appellant's claim.

As there is no rationalized medical evidence of record explaining how appellant's accepted factors of her federal employment caused or aggravated her condition, the Board finds that she has not met her burden of proof to establish her claim.

On appeal appellant asserts that the left knee MRI scan and diagnosis of Hoffa's disease demonstrates that her condition was caused by repetitive action at work. However, as explained above, the Board finds that she has not submitted sufficient medical evidence to have met her burden of proof to establish her 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 her burden of proof to establish a left knee condition causally related to the accepted factors of her federal employment.

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<sup>10</sup> See *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>11</sup> *S.K.*, Docket No. 19-0272 (issued July 21, 2020); *A.V.*, Docket No. 19-1575 (issued June 11, 2020).

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 3, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 10, 2020  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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