

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

_____)	
A.C., Appellant)	
)	
and)	Docket No. 22-1195
)	Issued: January 18, 2023
U.S. POSTAL SERVICE, POST OFFICE,)	
Grand Rapids, MI, Employer)	
_____)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On August 1, 2022 appellant filed a timely appeal from a July 5, 2022 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.

ISSUE

The issue is whether appellant has met her burden of proof to establish an injury causally related to the accepted factors of her federal employment.

FACTUAL HISTORY

On June 1, 2022 appellant, then a 63-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she sustained torn tendons and ligaments causally related to factors of her federal employment. She advised that she became aware of her condition and its

¹ 5 U.S.C. § 8101 *et seq.*

relationship to her employment on November 1, 2005. Appellant asserted that she needed a second knee replacement after having an initial knee replacement 18 years prior. Her supervisor noted on the form that appellant was last exposed to the work factors alleged to have caused her condition on November 2, 2005; however, her supervisor further indicated that appellant had returned to work in April 2006 performing the same job and duties. OWCP assigned OWCP File No. xxxxxx141.

OWCP previously accepted that appellant sustained knee strain and post-traumatic arthritis of the left knee due to a May 19, 2001 employment injury, and assigned OWCP File No. xxxxxx372. It further accepted her 2002 occupational disease claim, assigned OWCP File No. xxxxxx131, for an aggravation of right knee avascular subchondral osteonecrosis, an aggravation of right knee loose bodies, and an aggravation of right knee anterior cruciate ligament (ACL) reconstruction.

In a statement accompanying her claim, appellant related that she initially injured her knee when she slipped on black ice delivering mail in November 2005. She underwent an OWCP-authorized total knee replacement on December 2, 2005. After her surgery, appellant continued to perform duties that required extensive walking, standing, and carrying. She asserted that, after 28 years performing the same physical duties, her knee required another replacement.

On May 31, 2022 Dr. Derek R. Olson, an osteopath, advised that appellant was under his care and that she should not work from May 31 until June 4, 2022, but may return to work with no restrictions thereafter.

On June 3, 2022 OWCP advised appellant that it had combined her claims assigned OWCP File Nos. xxxxxx372, xxxxxx355, xxxxxx131, and xxxxxx141, with OWCP File No. xxxxxx372 serving as the master file number.

In a development letter dated June 3, 2022, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence.

In a report of work status (Form CA-3), the employing establishment indicated that appellant had resumed work on June 4, 2022 without restrictions.

By decision dated July 5, 2022, OWCP denied appellant's occupational disease claim. It found that she had established the occurrence of the alleged work factors, but had not established the medical component of fact of injury.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 filed within the applicable time limitation

² *Id.*

period of FECA,³ 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 upon a traumatic injury or an occupational disease.⁵

In an occupational disease claim, appellant's burden of proof requires submission of the following: (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 employee.⁶

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical opinion evidence.⁷ 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.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish an injury causally related to the accepted factors of her federal employment.

Appellant filed a Form CA-2 on June 1, 2022 alleging that she required a second total knee replacement. She noted that she had initially undergone a total knee replacement on December 2, 2005 after a fall on black ice while delivering mail. Appellant asserted that after her surgery she had returned to the work performing the same employment duties and now required a second knee replacement. OWCP accepted that the identified work factors occurred as alleged, but denied the claim as appellant had not established the medical component of fact of injury.

In support of her claim, appellant submitted a May 31, 2022 note from Dr. Olson finding that she should remain off work from May 31 to June 4, 2022. Dr. Olson did not provide a medical diagnosis in connection with the accepted employment factors. The Board has held that medical

³ *S.M.*, Docket No. 21-0937 (issued December 21, 2021); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *M.T.*, Docket No. 20-1814 (issued June 24, 2022); *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).

⁶ *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *R.H.*, 59 ECAB 382 (2008).

⁷ *K.R.*, Docket No. 21-0822 (issued June 28, 2022); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *T.H.*, 59 ECAB 388 (2008).

⁸ *G.S.*, Docket No. 22-0036 (issued June 29, 2022); *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *I.J.*, 59 ECAB 408 (2008).

evidence lacking a firm diagnosis is of no probative value.⁹ Dr. Olson's opinion is thus insufficient to establish that appellant had a diagnosed knee condition due to the accepted work factors.

OWCP advised appellant of the need to submit additional evidence, including a reasoned medical report addressing causal relationship between any diagnosed condition and the identified employment factors. Appellant did not, however, respond within the time allotted. As the record is devoid of medical evidence containing a diagnosis of a medical condition in connection with the identified work factors, she has not met her burden of proof to establish the medical component of fact of injury.¹⁰ Consequently, appellant has not met her burden of proof to establish an injury causally related to her accepted employment duties.

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 an injury causally related to the accepted factors of her federal employment.

⁹ *L.T.*, Docket No. 20-0582 (issued November 15, 2021); *W.G.*, Docket No. 20-0439 (issued July 13, 2020); *L.M.*, Docket No. 18-0473 (issued October 22, 2018).

¹⁰ *See M.D.*, Docket No. 18-0195 (issued September 13, 2018); *C.O.*, Docket No. 18-0666 (issued August 24, 2018).

ORDER

IT IS HEREBY ORDERED THAT the July 5, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 18, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board