

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

S.E., Appellant)	
and)	Docket No. 25-0531
)	Issued: June 9, 2025
DEPARTMENT OF VETERANS AFFAIRS,)	
HAMPTON VA MEDICAL CENTER,)	
Hampton, VA, Employer)	
)	

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On May 8, 2025 appellant, through counsel, filed a timely appeal from an April 23, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to expand the acceptance of her claim to include accelerated degenerative arthritis of the right knee and degeneration of the left hip joint as causally related to, or a consequence of, her accepted April 30, 2020 employment injury.

FACTUAL HISTORY

On May 4, 2020 appellant, then a 57-year-old licensed practical nurse, filed a traumatic injury claim (Form CA-1) alleging that on April 30, 2020 she sustained contusions and bruises on both knees and minimal scratches on both hands when she stepped off a curb and fell into the street while in the performance of duty.³ OWCP accepted the claim for contusions of the knees, initial encounter.⁴

On August 22, 2024 appellant, through counsel, requested that OWCP expand the acceptance of her claim to include accelerated degenerative arthritis of the right knee and degeneration of the left hip joint.

In support thereof, appellant submitted an August 15, 2024 medical report from Dr. Jerome A. Provenzano, an attending Board-certified family practitioner, who opined that appellant developed accelerated degenerative arthritis and subsequent degeneration of the left hip joint as a result of her April 30, 2020 employment injury. Dr. Provenzano noted that arthritic degeneration to both the left hip and right knee had progressed over the subsequent years. He concluded that this had greatly impacted appellant's ability to perform activities of daily living (ADLs) and activities at work.

In a development letter dated September 18, 2024, OWCP informed appellant of the deficiencies of her claim for expansion. It advised her of the type of medical evidence necessary and afforded her 30 days to respond. No additional evidence was received.

By decision dated November 21, 2024, OWCP denied expansion of the acceptance of appellant's claim to include additional diagnoses of accelerated degenerative arthritis of the right knee and degeneration of the left hip joint. It found that the medical evidence of record was insufficient to establish that the additional conditions were causally related to the accepted April 30, 2020 employment injury.

On December 5, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on March 14, 2025.

³ OWCP assigned the present claim OWCP File No. xxxxxx803. Appellant previously filed a Form CA-1 for a December 2, 2013 right knee injury, under OWCP File No. xxxxxx683. OWCP administratively combined appellant's claims with OWCP File No. xxxxxx803 serving as the master file.

⁴ By decision dated June 11, 2024, OWCP granted appellant a schedule award for one percent permanent impairment of the right lower extremity. The period of the award ran for 2.88 weeks from April 30 through May 20, 2024.

OWCP subsequently received progress notes dated October 30 and December 5, 2024, and January 7, February 5, March 7, and April 9, 2025, wherein Dr. Provenzano discussed examination findings, and provided assessments including essential pain in the left hip, and unspecified internal derangement of the right knee.

By decision dated April 23, 2025, OWCP's hearing representative affirmed the November 21, 2024 decision, denying appellant's request to expand the acceptance of her claim to include accelerated degenerative arthritis of the right knee and degeneration of the left hip joint.

LEGAL PRECEDENT

When an employee claims that a condition not accepted or approved by OWCP was due to an employment injury, he or she bears the burden of proof to establish that the condition is causally related to the employment injury.⁵ When an injury arises in the course of employment, every natural consequence that flows from that injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to the claimant's own intentional misconduct.⁶ Thus, a subsequent injury, be it an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ A physician's opinion on whether there is a causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.⁹ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's employment injury.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to expand the acceptance of her claim to include accelerated degenerative arthritis of the right knee and degeneration of the

⁵ *G.C.*, Docket No. 21-0527 (issued September 20, 2021); *J.R.*, Docket No. 20-0292 (issued June 26, 2020); *W.L.*, Docket No. 17-1965 (issued September 12, 2018); *V.B.*, Docket No. 12-0599 (issued October 2, 2012); *Jaja K. Asaramo*, 55 ECAB 200, 204 (2004).

⁶ See *J.M.*, Docket No. 19-1926 (issued March 19, 2021); *I.S.*, Docket No. 19-1461 (issued April 30, 2020); see also *Charles W. Downey*, 54 ECAB 421 (2003).

⁷ *J.M.*, *id.*; *Susanne W. Underwood (Randall L. Underwood)*, 53 ECAB 139, 141 n.7 (2001).

⁸ *W.N.*, Docket No. 21-0123 (issued December 29, 2021); *E.M.*, Docket No. 18-1599 (issued March 7, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *F.A.*, Docket No. 20-1652 (issued May 21, 2021); *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹⁰ *Id.*

left hip joint as causally related to, or a consequence of, her accepted April 30, 2020 employment injury.

In an August 15, 2024 report, Dr. Provenzano opined that appellant developed accelerated degenerative arthritis of the right knee and subsequent degeneration of the left hip joint due to the accepted April 30, 2020 employment injury. He explained that arthritic degeneration to both the right knee and left hip had progressed over the subsequent years, which greatly impacted her ability to perform ADLs and activities at work. Although Dr. Provenzano provided a general opinion on causal relationship, he failed to provide any medical rationale explaining how appellant's accelerated degenerative arthritis of the right knee and degeneration of the left hip joint resulted from her accepted bilateral knee conditions. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition has an employment-related cause.¹¹ Moreover, the need for rationale is particularly important as the evidence of record indicates that appellant had a preexisting right knee condition.¹² For these reasons, Dr. Provenzano's report is insufficient to establish expansion of appellant's claim.

Dr. Provenzano, in his progress notes dated October 30, 2024 through April 9, 2025, provided assessments including essential pain in the left hip, and unspecified internal derangement of the right knee. However, he did not offer an opinion as to the cause of appellant's medical conditions. The Board has held that medical evidence that does not provide an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹³ This evidence is, therefore, of no probative value and insufficient to establish expansion of appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between the additional diagnosed conditions and the accepted employment injury, the Board finds that appellant has not met her burden of proof to establish expansion of 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.

¹¹ *A.M.*, Docket No. 24-0413 (issued July 31, 2024); *J.T.*, Docket No. 23-1176 (issued March 19, 2024); *L.G.*, Docket No. 21-0770 (issued October 13, 2022); *T.T.*, Docket No. 18-1054 (issued April 8, 2020); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹² *L.C.*, Docket No. 19-0724 (issued September 5, 2019); *D.W.*, Docket No. 18-1139 (issued May 21, 2019); *J.C.*, Docket No. 18-1722 (issued April 5, 2019); *F.C.*, Docket No. 18-0334 (issued December 4, 2018).

¹³ *D.P.*, Docket No. 25-0120 (issued February 14, 2025); *A.B.*, Docket No. 25-0205 (issued January 28, 2025); *A.M.*, *supra* note 11; *T.L.*, Docket No. 23-1039 (issued February 23, 2024); *A.P.*, Docket No. 18-1690 (issued December 12, 2019); *J.H.*, Docket No. 19-0383 (issued October 1, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

CONCLUSION

The Board finds that appellant has not met her burden of proof to expand the acceptance of her claim to include accelerated degenerative arthritis of the right knee and degeneration of the left hip joint as causally related to, or a consequence of, her accepted April 30, 2020 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the April 23, 2025 merit decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 9, 2025
Washington, DC

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

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

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