

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THOMAS E. CHAVIS and U.S. POSTAL SERVICE,
POST OFFICE, Savannah, Ga.

*Docket No. 97-2566; Submitted on the Record;
Issued May 3, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
A. PETER KANJORSKI

The issue is whether appellant's right knee condition is causally related to factors of his employment.

On August 28, 1996 appellant filed a claim for a right knee condition which he attributed to walking on his route, especially up and down steps. By decision dated December 16, 1996, the Office of Workers' Compensation Programs found that the evidence failed to establish that appellant's condition was sustained as alleged. Appellant requested reconsideration, and submitted additional medical evidence. By decision dated June 10, 1997, the Office refused to modify its December 16, 1996 decision.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused or adversely affected by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹

The Board finds that appellant did not meet his burden of proof.

None of the medical reports appellant initially submitted contain an opinion as to whether appellant's right knee condition is causally related to factors of his employment. The only report that addresses causal relation is the October 14, 1996 report from Dr. William N. Wessinger, a Board-certified orthopedic surgeon, which was submitted by appellant with his request for reconsideration. In this report, Dr. Wessinger noted that appellant recovered from surgery to his

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

left knee done in 1995 and was able to return to work with some restrictions. Dr. Wessinger then stated:

“By July 1996, he had pain and swelling in the right knee and this is after walking on the knee a good bit and in his course of his job as a letter carrier.

“Ultimately, we carried out arthroscopy of this man’s knee. It was done September 9, 1996 at Candler Hospital. We found significant tear of the posterior horn of the medial meniscus and significant patella femoral chondromalacia.”

* * *

“Presently, it is my best assumption that at least some portion of his meniscal tear problems is associated with the ambulatory nature of his work.”

This report is not sufficient to meet appellant’s burden of proof because it presents no rationale explaining how appellant’s mensical tear was caused or aggravated by factors of appellant’s employment. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee’s burden of proof.²

Dr. Wessinger’s use of the phrase “best assumption” also creates serious doubt as to whether his opinion is one of reasonable medical certainty.³ Appellant has not met his burden of proof.

The decisions of the Office of Workers’ Compensation Programs dated June 10, 1997 and December 16, 1996 are affirmed.

Dated, Washington, D.C.
May 3, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

A. Peter Kanjorski
Alternate Member

² *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

³ *Kathy Marshall*, 45 ECAB 827 (1994).