

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DARIO M. SARCOZ and U.S. POSTAL SERVICE,
POST OFFICE, San Diego, CA

*Docket No. 98-2314; Submitted on the Record;
Issued February 3, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

The issue is whether appellant has established a hip injury causally related to factors of his federal employment.

In the present case, appellant filed a claim alleging that he sustained a left hip condition causally related to his federal employment. Appellant provided a narrative statement indicating that he attributed his condition to duties performed as a letter carrier, mailhandler and mail processor, during his federal employment.

By decision dated June 19, 1996, the Office of Workers' Compensation Programs determined that appellant had not established an injury causally related to his federal employment. In a decision dated March 14, 1997, an Office hearing representative remanded the case for further development of the medical evidence.

In a decision dated September 2, 1997, the Office determined that appellant had not established an injury causally related to his federal employment.

The Board has reviewed the record and finds that appellant has not met his burden of proof.

In the present case, the Office determined that a conflict in the medical evidence existed with respect to appellant's left hip condition. An attending orthopedic surgeon, Dr. Thomas D. Peterson, opined in an August 15, 1996 report that appellant's avascular necrosis (AVN) of the left hip was caused by repetitive trauma in his federal employment. In a report dated May 2, 1997, a second opinion referral physician, Dr. Thomas R. Dorsey, an orthopedic surgeon, opined

that “there is no relationship between factors of employment and causation of the patient’s [AVN].” He further stated:

“Aggravation of pain would be considered present because, in the presence of degenerative joint disease of the hip, any amount of walking will cause pain. Therefore, if the patient undertakes the duties of a letter carrier involving weight bearing on standing, walking, or carrying on the left hip, this would result in a temporary aggravation. This aggravation should resolve when those activities are completed.”

Dr. Dorsey also noted that “one could make a case for a mild degree of permanent anatomic aggravation; however, this should be set against the base line of the amount of walking that a normal individual would do regardless of their occupation.”

The Office referred appellant to Dr. Roman B. Cham, a Board-certified orthopedic surgeon, selected as an impartial medical specialist. In a report dated August 7, 1997, Dr. Cham provided a history and results on examination. He stated in pertinent part:

“The patient’s [AVN] is idiopathic which means that there is no known etiologic explanation for the development of AVN of the left hip. Additionally, there is no evidence of significant aggravation of his condition with work, although I concur with Dr. Dorsey’s impression that prolonged standing, stooping lifting over 25 pounds, would be expected to cause a significant, temporary, painful aggravation of his condition which has appeared to remain stable since January 1996. Clinically, the patient has appeared to have improved with his modified work since January 1996.”

* * *

“There is no evidence of a permanent aggravation of [appellant’s] AVN with work. However, activities such as heavy lifting over 25 pounds, prolonged standing (more than ½ hour at a time), bending, twisting, stooping, or working in awkward positions, would be expected to lead to a temporary aggravation (pain) from his condition. Repeat x-rays performed in my office today do not show a material change from the x-rays of January 1996. Therefore, there is no evidence of a permanent deterioration of his condition.”

Dr. Cham also stated that the majority of patients with AVN are of unknown etiology, that appellant did not have the known risk factors such as alcohol or steroid use and trauma is not always a predictable cause of AVN.

In this case, there was a conflict with respect to whether work activities caused the AVN, and Dr. Cham provided a reasoned opinion that the work factors did not directly cause the diagnosed left hip condition. It is well established that, when a case is referred to an impartial medical specialist for the purpose of resolving a conflict, the opinion of such specialist, if

sufficiently well rationalized and based on a proper factual and medical background, must be given special weight.¹

The decision of the Office of Workers' Compensation Programs dated September 2, 1997 is affirmed.

Dated, Washington, D.C.
February 3, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member

¹ *Harrison Combs, Jr.*, 45 ECAB 716, 727 (1994).