

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RODNEY P. JONES and DEPARTMENT OF JUSTICE,
BUREAU OF PRISONS, U.S. PENITENTIARY, Atlanta, GA

*Docket No. 01-165; Submitted on the Record;
Issued January 24, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant's left knee condition is causally related to his August 25, 1998 employment injury.

On August 25, 1998 appellant, then a 44-year-old correctional supervisor, sustained a lumbosacral and left shoulder strain in an altercation with an inmate.

On June 22, 1999 appellant filed a claim for an injury to his left knee sustained on March 25, 1999. Appellant stated, "I was walking across the street when the light changed. I tried to rush, and something snapped in the back of my knee. I was walking with an unusual gait (limp) due to a pinched nerve from a work injury on August 25, 1998."

Appellant submitted medical evidence from his attending physician, Dr. Scott R. Arrowsmith, a Board-certified orthopedic surgeon. In a report dated September 28, 1999, Dr. Arrowsmith stated: "[Appellant] has an MRI [magnetic resonance imaging]-proven meniscal tear, which is work related. He needs to undergo a knee arthroscopy." In a treatment note dated November 23, 1999, Dr. Arrowsmith stated:

"We went back and looked at my first exam[ination] for his knee problem, on May 12, 1999. He tells me that as he was walking across the street, he was limping due to his low back pain. The light changed and he had to hurry across the street. His knee buckled, producing a near fall. At that time, he felt a snapping sensation and pain. The bottom line here is that he would not have suffered this knee injury if he had not already been hobbled by his low back pain. He also reminded me that he has a medical report from the time of his initial injury at the jail, showing an abrasion to the upper shin, indicating that there was, indeed, some trauma to the area. He has had no other knee trauma, and his knee was asymptomatic prior to the initial altercation at the jail.

“IMPRESSION: It seems likely that he suffered an initial small meniscal tear at the time of the original injury; this tear then extended when he was limping across the street. I still feel that this injury *is* work related.”

In a report dated November 23, 1999, Dr. Arrowsmith noted that appellant’s predominant injury on August 25, 1998 was to his neck and lower back, for which evaluation and treatment were still ongoing. Dr. Arrowsmith then stated, “However, he also suffered a documented abrasion near the left knee, which has been sore ever since.”

By decision dated February 15, 2000, the Office of Workers’ Compensation Programs found that appellant’s knee condition was not causally related to his August 25, 1998 employment injury; the evidence indicated that he sustained a new, nonwork injury to his knee.

By letter dated February 21, 2000, appellant requested a review of the written record, contending that the knee injury he sustained on March 25, 1999 was a consequential injury related to his August 25, 1998 employment injury.

By decision dated August 23, 2000, an Office hearing representative found that the medical reports from Dr. Arrowsmith were not rationalized and were thus insufficient to establish that appellant’s employment injury caused a consequential injury to his left knee.

The Board finds that appellant has not established that his left knee condition is causally related to his August 25, 1998 employment injury.

It is an accepted principle of workers’ compensation law, and the Board has so recognized, that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury is deemed to arise out of the employment, unless it is the result of an independent intervening cause which is attributable to the employee’s own intentional conduct. The basic rule is that a subsequent injury, whether 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. If a member weakened by an employment injury contributes to a later fall or other injury, the subsequent injury will be compensable as a consequential injury.¹ An employee who asserts that a nonemployment-related injury was a consequence of a previous employment-related one has the burden of proof to establish that such was the fact.²

The evidence does not establish that appellant’s March 25, 1999 injury to his left knee, sustained while crossing a street, was a direct and natural result of his August 25, 1998 employment injury to his low back and shoulder. Although Dr. Arrowsmith concluded that appellant’s March 25, 1999 injury was work related, his statement that “he would not have suffered this knee injury if he had not already been hobbled by his low back pain” does not constitute rationale, in that it does not explain how the two injuries are related or how the low back pain contributed to the knee injury. Medical reports not containing rationale on causal

¹ *Sandra Dixon-Mills*, 44 ECAB 882 (1993).

² *Margarette B. Rogler*, 43 ECAB 1034 (1992).

relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.³

In addition, Dr. Arrowsmith based his conclusion on an inaccurate history that, at the time of his August 25, 1998 employment injury, appellant sustained "a documented abrasion near the left knee, which has been sore ever since." The injury assessment dated August 25, 1998 shows a minor abrasion of the right shin, but does not show an abrasion of the left shin or leg. A history of the knee being "sore ever since" is also inaccurate. The many medical reports prepared by Dr. Arrowsmith and other doctors do not reflect any complaint of knee pain before March 25, 1999, despite the fact that appellant engaged in such activities as climbing steps to inspect towers and using a treadmill and bicycle as therapy for his back condition.

The decision of the Office of Workers' Compensation Programs dated August 23, 2000 is affirmed.

Dated, Washington, DC
January 24, 2002

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

³ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).