

FACTUAL HISTORY

On October 6, 2001 appellant, then a 23-year-old mail carrier, filed a traumatic injury claim alleging on that date she injured her knee when a dog chased her in the performance of duty. Appellant returned to work in a light-duty position on October 22, 2001. The Office accepted appellant's claim for contusion of the right knee on December 6, 2001.

On October 3, 2002 Dr. Steven E. Nolan, a Board-certified orthopedic surgeon, described appellant's employment injury and diagnosed patellar subluxation with probable medial meniscal tear. Dr. Nolan performed an arthroscopic examination of appellant's right knee on November 7, 2002 which revealed lateral patellar dislocation subluxation, torn anterior horn of the medial meniscus, chondromalacia and generalized synovitis. On January 21, 2003 the Office accepted appellant's claim for the additional condition of dislocation of her patella. Appellant returned to full-duty work on July 7, 2003.

Appellant submitted a note dated November 10, 2003, listing her condition as right knee pain. Appellant reported continued knee pain since her surgery, that her knee "gave out" and difficulty walking. On November 10, 2003 a physician whose signature is illegible completed a duty status report finding that appellant was totally disabled due to pain and swelling in her right knee. In a November 12, 2003 letter, appellant requested compensation benefits from November 12 through 17, 2003.

Appellant's attending physician, Dr. Kevin J. Coupe, an orthopedic surgeon, completed a form report on November 17, 2003 and indicated that appellant was partially disabled due to internal derangement of her right knee. In a separate form report of the same date, he attributed appellant's current condition to her October 6, 2001 dog attack. Dr. Coupe indicated with a checkmark "yes" that appellant's condition was due to her employment. He completed a note on November 17, 2003 and stated that appellant was doing well until she twisted her knee getting out of a jeep last week. Dr. Coupe diagnosed contusion of the right knee. He continued to provide work restrictions.

In a note dated December 12, 2003, Dr. Coupe reported that appellant twisted and fell again injuring her knee. He found no swelling and excellent range of motion. He recommended a second opinion.

Appellant filed a notice of recurrence on November 12, 2003 alleging that she sustained a recurrence on November 10, 2003. She stated:

"I had been having knee pains. I was delivering mail and starting having a severe burning pain. I drove to go and do my overtime and while I was attempting to get out of my vehicle to retrieve mail from the back my knee gave out and caused me to fall."

The Office requested additional factual and medical evidence by letter dated January 14, 2004.

By decision dated March 4, 2004, the Office denied appellant's claim finding that she failed to submit the necessary factual and medical evidence to establish her claim.

Appellant requested reconsideration in a letter received by the Office on April 14, 2004. She stated that she received a transfer to an all walking route which resulted in unbearable pain in her right knee. Appellant stated that her knee began giving out and she began to fall down. On November 10, 2003 appellant's knee hurt all day. Her knee collapsed while she was on her route and she fell. Appellant then returned to her vehicle and her knee collapsed again causing her to fall.

Appellant's supervisor, Monica Coleman, stated that appellant was currently performing an "all walking route."

By decision dated April 22, 2004, the Office denied appellant's claim finding that she had not established a recurrence of disability.

LEGAL PRECEDENT

Where an employee claims a recurrence of disability due to an accepted employment-related injury, he or she has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury. The burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concluded that the condition is causally related to the employment injury. Moreover, sound medical reasoning must support the physician's conclusion.²

A recurrence of disability is defined as a spontaneous change in a medical condition which had resulted from a previous injury or illness without an intervening injury or new exposure to the work environment which caused the illness.³

ANALYSIS

The medical evidence from Dr. Coupe, an orthopedic surgeon, dated November 17, 2003 offers various descriptions of the development of her current knee condition. In his form report, Dr. Coupe attributed her current condition to the October 6, 2001 dog attack and indicated with a checkmark "yes" that her condition was due to her employment. The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such a report is insufficient to establish causal relationship.⁴ As Dr. Coupe did not offer any explanation describing why he believed that appellant's current knee condition was due to her accepted employment injury, this report does not meet appellant's burden of proof. This explanation is doubly necessary as in a note dated November 17, 2003, Dr. Coupe stated that appellant twisted her knee dismounting from her jeep and diagnosed contusion of the right knee.

² *Ricky S. Storms*, 52 ECAB 349 351-52 (2001).

³ 20 C.F.R. § 10.5(x).

⁴ *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

This note suggests that appellant sustained an additional job injury rather than a recurrence of disability as defined by the Office and contradicts the history of injury offered in the form report of the same date.

In addition to the varied histories of how appellant's current knee condition arose offered by Dr. Coupe, appellant has attributed her current knee condition to additional exposures to her work environment. Specifically, she has stated that her knee condition worsened after she changed job assignments to an all walking route. As appellant and her physician have attributed her current knee condition to additional job duties or incidents, she has not established a recurrence of disability causally related to the October 6, 2001 employment injury and the Office properly denied her claim.⁵

CONCLUSION

The Board finds that appellant attributed her current condition to the additional job duties entailed in an all walking route while her physician attributed her current condition to a new traumatic injury. Appellant's claim does not meet the definition of a recurrence of disability and the Office properly denied her claim.

ORDER

IT IS HEREBY ORDERED THAT the April 22 and March 4, 2004 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: October 29, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁵ The Office has not addressed appellant's new claim for an occupational disease and the Board may not address this aspect of her claim for the first time on appeal. 20 C.F.R. § 501.2(c).