

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

C.W., Appellant)	
)	
and)	Docket No. 25-0046
)	Issued: December 19, 2024
U.S. POSTAL SERVICE, POST OFFICE,)	
West Sacramento, CA, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On October 18, 2024 appellant filed a timely appeal from an October 15, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether appellant has met his burden of proof to establish a right knee condition causally related to the accepted factors of his federal employment.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the October 15, 2024 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On July 8, 2024 appellant, then a 29-year-old city carrier assistant, filed a traumatic injury claim (Form CA-1) alleging that he developed upper right knee pain on October 1, 2022 while carrying mail up and down stairs on the residential portion of his route while in the performance of duty. He indicated that his right knee pain had worsened over time. Appellant stopped work on October 3, 2022 and returned to work on October 6, 2022. OWCP subsequently converted his traumatic injury claim to an occupational disease claim (Form CA-2).

Thereafter, OWCP received several unsigned after visit summary notes. A June 19, 2024 note indicated that appellant spoke with Dr. Nidhi Johri, a Board-certified internist. A July 3, 2024 note indicated that he underwent bilateral standing x-rays for right knee pain, unspecified chronicity. In a note of even date, appellant sought treatment from Dr. Joseph R. Donnelly, a Board-certified orthopedic surgeon, regarding right knee chondromalacia and patellofemoral dysfunction.

In a development letter dated July 15, 2024, OWCP advised appellant of the deficiencies of his claim. It informed him of the type of factual and medical evidence needed, provided a questionnaire for his completion, and afforded him 60 days to submit the necessary evidence.

Appellant subsequently submitted additional medical evidence. In a June 11, 2024 report, Dr. Johri reported the history of injury of appellant having intermittent right knee pain for a year after he banged his knee on the mail truck. She also noted that he walks 30,000 steps a day. An assessment of chronic right knee pain was provided.

In a July 3, 2024 report, Dr. Donnelly noted the history of injury as appellant's symptoms beginning around 2022. He indicated that appellant described occasional difficulty when getting out of his mail vehicle; significant discomfort when ascending and descending stairs; and pain, worse at end of the day, after he had been on his feet. Right knee physical examination findings of patellofemoral indicated mild crepitus with active extension, positive single leg step up, negative J sign, negative patellar apprehension and medial two quadrants/lateral two quadrants for patellar glide. X-rays revealed mild patellofemoral (PF) compartment degenerative changes. An assessment of right knee patellofemoral chondromalacia was provided.

In a July 23, 2024 report, Dr. Johri noted that appellant continued with right knee pain and that orthopedic physicians had diagnosed chondromalacia. Diagnoses of chondromalacia of the right patellofemoral joint and leukopenia, unspecified type, were provided.

In a follow-up letter dated August 22, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim.³ It noted that he had 60 days from the August 22, 2024 letter to submit the necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record. No additional evidence was received.

³ OWCP indicated that it had received appellant's statement dated August 8, 2024; however, this is not of record.

By decision dated October 15, 2024, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a right knee condition causally related to the accepted factors of his federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁴ has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,⁵ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁶ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁷

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is casually related to the identified employment factors.⁸

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁹ The opinion of the physician must be based upon a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident.¹⁰

⁴ *Supra* note 1.

⁵ *See S.F.*, Docket No. 23-0264 (issued July 5, 2023); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁶ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁷ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁸ *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

⁹ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

¹⁰ *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see Victor J. Woodhams*, 41 ECAB 345 (1989).

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a right knee condition causally related to the accepted factors of his federal employment.

In a June 11, 2024 report, Dr. Johri provided an assessment of chronic right knee pain. The Board notes that pain is a symptom and not a diagnosis.¹¹ In her July 23, 2024 report, Dr. Johri diagnosed chondromalacia of right patellofemoral joint and leukopenia, unspecified type. However, she did not offer an opinion on causal relationship. Medical reports lacking an opinion regarding causal relationship are of no probative value and, accordingly, are insufficient to establish appellant's claim.¹² Therefore, these reports are insufficient to establish the claim. In a July 3, 2024 report, Dr. Donnelly noted that appellant's symptoms began around 2022. He provided an assessment of right knee patellofemoral chondromalacia. Similarly, Dr. Donnelly did not offer an opinion on causal relationship. As such, his report is of no probative value and is insufficient to establish the claim.¹³

The record also includes several unsigned after-visit summary notes. The Board has held that reports that are unsigned or bear an illegible signature lack proper identification and cannot be considered probative medical evidence as the author cannot be identified as a physician.¹⁴ Thus, they are insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted employment factors, the Board finds that appellant has not met his burden of proof.

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.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a right knee condition causally related to the accepted factors of his federal employment.

¹¹ Findings of pain or discomfort alone do not satisfy the medical aspect of the fact of injury medical determination. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.4a(6) (November 2023); *D.R.*, Docket No. 18-1408 (issued March 1, 2019); *D.A.*, Docket No. 18-0783 (issued November 8, 2018).

¹² See *D.T.*, Docket No. 23-1094 (issued January 5, 2024); *L.H.*, Docket No. 23-0480 (issued August 1, 2023); *E.K.*, Docket 22-1130 (issued December 30, 2022); *L.K.*, Docket No. 21-1155 (issued March 23, 2022); *T.S.*, Docket No. 20-1229 (issued August 6, 2021); *J.M.*, Docket No. 19-1169 (issued February 7, 2020); *A.L.*, Docket No. 19-0285 (issued September 24, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹³ *Id.*

¹⁴ See *D.F.*, Docket No. 22-0904 (issued October 31, 2022); see also *R.C.*, Docket No. 19-0376 (issued July 15, 2019); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

ORDER

IT IS HEREBY ORDERED THAT the October 15, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 19, 2024
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board