

lumbosacral sprain and a neck sprain. On March 27, 2007 appellant filed a claim for compensation alleging that he was totally disabled from February 26 to March 5, 2007. He also filed claims for compensation for the period March 3 to April 13, 2007 and April 14 to May 11, 2007. On April 4, 2007 the Office requested additional medical evidence to support appellant's wage-loss claims.

In a January 9, 2007 report, Dr. Charles Bosley diagnosed acute cervical and lumbar strains. He stated that disability was "recommended" and stooping, bending and lifting should be avoided.

In a February 10, 2007 report, Dr. John Coyle reported that an enhanced electrodiagnostic functional assessment (EFA) revealed a chronic lumbosacral condition consistent with the diagnosis of scoliosis that was not related to or aggravated by the December 29, 2006 injury. He also stated that after physical therapy appellant would have no ratable impairment and would be able to return to work.

In a February 26, 2007 letter, Dr. Bosley opined that appellant's chronic back condition was due to scoliosis and that stooping, bending and lifting should be avoided. In a March 22, 2007 note, he stated that appellant was disabled for a month from March 22 to April 23, 2007. In a March 22, 2007 orthopedic evaluation, Dr. Bosley opined that appellant's condition was preexisting and that he may need to change jobs. On April 23, 2007 Dr. Bosley stated that appellant would be disabled from April 23 to May 24, 2007. The Office also received work restriction notes dated February 26 to March 12, 2007 from Dr. Bosley.

By decision dated May 9, 2007, the Office denied appellant's claim for wage-loss compensation from February 26 to May 11, 2007 on the grounds that he had not submitted rationalized medical evidence to establish that his disability was causally related to the accepted employment injury.

LEGAL PRECEDENT

A claimant, for each period of disability claimed, has the burden of proving by the preponderance of the reliable, probative and substantial evidence that he or she is disabled for work as a result of the employment injury. Whether a particular injury causes an employee to be disabled for employment, and the duration of that disability, are medical issues which must be established, probative and substantial evidence.²

In this case, appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between his claimed disability during the period February 26 to May 11, 2007 and his accepted lumbosacral and neck condition.³ The Board has held that the mere belief that a condition was caused or aggravated by employment factors or incidents is insufficient to establish a causal relationship between the two.⁴ The Board

² *Fereidoon Kharabi*, 52 ECAB 291 (2001).

³ *Alfredo Rodriguez*, 47 ECAB 437 (1996).

⁴ *Id.*

will not require the Office to pay compensation for disability in the absence of medical evidence directly addressing the particular period of disability for which compensation is claimed. To do so would essentially allow employees to self-certify their disability and entitlement to compensation.⁵

ANALYSIS

Appellant has an accepted claim for sprains of the lumbosacral and cervical regions. He claims that, due to his accepted injuries, he was totally disabled from February 26 to May 11, 2007. Appellant bears the burden to establish through medical evidence that he was totally disabled during this time period and that his disability was causally related to his accepted injury. He submitted numerous medical reports but they do not establish that he was disabled due to his accepted conditions. Dr. Bosley stated that appellant was disabled from March 22 to May 24, 2007 due to a lumbar strain, cervical strain and scoliosis; however, he did not offer any explanation as to why these conditions would disable appellant or whether the accepted injury was the cause of the currently disabling conditions. Appellant was accepted for lumbosacral strain and neck strain not scoliosis. Medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁶

In a February 10, 2007 report, Dr. John Coyle reported that an enhanced EFA revealed a chronic lumbosacral condition consistent with the diagnosis of scoliosis. He explained that this condition was not related to or aggravated by the December 29, 2006 injury. Dr. Coyle did not provide a medical opinion which supported that appellant was disabled during the alleged time period due to the accepted work injury.

None of the other medical reports identify appellant as being totally disabled at anytime, let alone during the period February 26 to May 11, 2007. The Board finds that appellant has not proved that he was disabled during the claimed time period as a result of his employment injury

CONCLUSION

Appellant failed to establish that he was disabled from February 26 to May 11, 2007.

⁵ *Fereidoon Kharabi, supra* note 2.

⁶ *Michael E. Smith, 50 ECAB 313 (1999).*

ORDER

IT IS HEREBY ORDERED THAT the May 9, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 19, 2007
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board