



## **FACTUAL HISTORY**

On July 9, 1999 appellant, then a 46-year-old automation clerk, filed a claim alleging that she sustained a traumatic injury in the performance of duty. The Office accepted her claim for arthralgia of the right middle finger. In a decision dated March 21, 2001, the Office denied compensation for disability from October 23 to 25, 1999 on the grounds that the medical evidence failed to establish that the disability claimed was causally related to her accepted arthralgia.<sup>3</sup>

On April 7, 2000 appellant filed a claim alleging that she developed a bilateral shoulder and hand condition as a result of her federal employment. The Office accepted her claim for right wrist sprain, cervical strain and right shoulder impingement. In a decision dated March 26, 2001, the Office denied compensation for disability for the periods October 23 to 25 and November 27 to December 1, 1999, June 17 to 30, 2000 and beginning July 1, 2000 on the grounds that appellant failed to establish that she was disabled as a result of her accepted medical conditions.<sup>4</sup>

In a decision dated November 11, 2001, an Office hearing representative affirmed the March 26, 2001 decision denying compensation for the periods of disability claimed.

In a decision dated September 6, 2002, the Office denied a merit review of appellant's case. Appellant appealed this decision to this Board. On January 9, 2004 the Board issued an order granting remand setting aside the Office's September 6, 2002 nonmerit decision and remanding the case for the association of a related case file and for reconsideration of the merits of appellant's claim.<sup>5</sup>

In a decision dated June 24, 2004, the Office reviewed the merits of appellant's case and denied compensation for the disability claimed.

## **LEGAL PRECEDENT**

A claimant seeking benefits under the Federal Employees' Compensation Act<sup>6</sup> has the burden of proof to establish the essential elements of her claim by the weight of the evidence,<sup>7</sup> including that she sustained an injury in the performance of duty and that any specific condition or disability for work for which she claims compensation is causally related to that employment injury.<sup>8</sup>

---

<sup>3</sup> OWCP File No. A25-545560.

<sup>4</sup> OWCP File No. A24-561456.

<sup>5</sup> Docket No. 03-0489 (issued January 9, 2004).

<sup>6</sup> 5 U.S.C. §§ 8101-8193.

<sup>7</sup> *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

<sup>8</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

Causal relationship is a medical issue,<sup>9</sup> and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's opinion on whether there is a causal relationship between the claimant's diagnosed condition and the accepted employment injury. The opinion of the physician must be based on 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 accepted employment injury.<sup>10</sup>

As used in the Act, the term "disability" means incapacity, because of employment injury, to earn the wages that the employee was receiving at the time of injury.<sup>11</sup> When the medical evidence establishes that the residuals of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in her employment, she is entitled to compensation for any loss of wage-earning capacity resulting from such incapacity.<sup>12</sup>

For each period of disability claimed, the claimant has the burden of proving that she was disabled for work as a result of her accepted employment injury.<sup>13</sup> Whether a particular injury causes an employee to become disabled for work, and the duration of that disability, are medical issues that must be proved by a preponderance of the reliable, probative and substantial evidence.<sup>14</sup>

Generally, findings on examination are needed to justify a physician's opinion that an employee is disabled for work.<sup>15</sup> The Board has held that, when a physician's statements regarding an employee's ability to work consist only of a repetition of the employee's complaints that she hurt too much to work, without objective signs of disability being shown, the physician has not presented a medical opinion on the issue of disability or a basis for payment of compensation.<sup>16</sup>

While there must be a proven basis for the pain, pain due to an employment-related condition can be the basis for the payment of compensation.<sup>17</sup> The Board, however, will not require the Office to pay compensation for disability in the absence of medical evidence directly

---

<sup>9</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>10</sup> *Kathleen M. Fava (John F. Malley)*, 49 ECAB 519 (1998).

<sup>11</sup> *Richard T. DeVito*, 39 ECAB 668 (1988); *Frazier V. Nichol*, 37 ECAB 528 (1986); *Elden H. Tietze*, 2 ECAB 38 (1948); 20 C.F.R. § 10.5(17).

<sup>12</sup> *Bobby W. Hornbuckle*, 38 ECAB 626 (1987).

<sup>13</sup> *David H. Goss*, 32 ECAB 24 (1980).

<sup>14</sup> *Edward H. Horton*, 41 ECAB 301 (1989).

<sup>15</sup> See *Dean E. Pierce*, 40 ECAB 1249 (1989); *Paul D. Weiss*, 36 ECAB 720 (1985).

<sup>16</sup> *John L. Clark*, 32 ECAB 1618 (1981).

<sup>17</sup> *Barry C. Peterson*, 52 ECAB 120 (2000).

addressing the specific dates of disability for which compensation is claimed. To do so would essentially allow employees to self-certify their disability and entitlement to compensation.<sup>18</sup>

### ANALYSIS

The Office accepted that appellant sustained an arthralgia of her right middle finger due to an employment incident on or about July 8, 1999. The Office also accepted that she developed a right wrist sprain, cervical strain and right shoulder impingement as a result of the duties she performed at work. Appellant therefore has the burden of proof to establish that any specific disability for work for which she claims compensation is causally related to these accepted medical conditions. The Board has reviewed appellant's case file and can find no narrative report from a physician who (1) directly addresses the specific dates of disability for which appellant seeks compensation and (2) soundly explains how findings obtained on examinations reasonably contemporaneous to the periods claimed support that the accepted medical conditions prevented appellant from performing the duties of her position. Appellant's failure to submit such a medical opinion is the critical shortcoming of her claim.

Appellant attributes her current physical and psychological difficulties to her duties as an automation clerk with the U.S. Postal Service. She has submitted her own explanation of how spraining her right middle finger at work led to the spreading of pain throughout her body. However, her conviction alone does not support her claim for compensation.<sup>19</sup> She has the burden to submit medical evidence supporting the periods of disability claimed. She must submit rationalized medical opinion evidence as described above. In the absence of such evidence, the Board finds that she has not met her burden of proof.

To the extent that appellant attributes her disability for the periods claimed to medical conditions the Office has not accepted, such as fibromyalgia, the Board finds that she has not met her burden to establish that these medical conditions are both firmly diagnosed and causally related to the duties she performed in her federal employment. This also requires rationalized medical opinion evidence.

### CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that she was disabled for work for the periods October 23 to 25, November 27 to December 1, 1999,

---

<sup>18</sup> *Fereidoon Kharabi*, 52 ECAB 291 (2001).

<sup>19</sup> *Kathryn Haggerty*, 45 ECAB 383, 389 (1994) (claimant's belief of causal relationship not sufficient).

June 17 to 30, 2000 and beginning July 1, 2000 as a result of her accepted medical conditions or as a result of other medical conditions causally related to her federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 24, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 12, 2005  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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