

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT V. KLETT, JR. and DEPARTMENT OF THE AIR FORCE,
WRIGHT-PATTERSON AIR FORCE BASE, OH

*Docket No. 01-240; Submitted on the Record;
Issued July 25, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issues are: (1) whether appellant has established any disability causally related to his December 16, 1999 employment injury; and (2) whether the Office of Workers' Compensation Programs met its burden of proof to terminate authorization for medical treatment.

On December 28, 1999 appellant, then a 44-year-old laborer, filed a claim alleging that on December 16, 1999 he sustained an injury in the right groin area while trimming shrubs in the performance of duty.¹ The Office accepted right inguinal and testicular pain. Appellant was off work from January 6 to 31, 2000, returned to a light-duty position, and again was off work from March 22 to May 1, 2000.

By decision dated May 16, 2000, the Office determined that appellant was not entitled to compensation for wage loss; the Office also terminated authorization for medical benefits as of December 28, 1999.

The Board finds that appellant has not established a period of disability causally related to the December 16, 1999 injury.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his or her claim, including that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.³

¹ The record indicates that appellant had a prior occupational claim filed on December 5, 1997 that was accepted for abdominal wall strain.

² 5 U.S.C. §§ 8101-8193.

³ *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

The record indicates that appellant initially stopped working on January 6, 2000. An attending physician, Dr. Richard Furay, a surgeon, stated in a treatment noted dated January 6, 2000 that appellant was complaining of right groin pain and that “he does heavy lifting at work...” Dr. Furay does not provide a history of the December 16, 1999 injury.⁴ He indicated that appellant would be off work for two weeks, without providing an opinion on causal relationship with a December 16, 1999 employment injury. In an undated form report (Form CA-20), Dr. Furay diagnosed groin pain and muscle sprain, and indicated that appellant was disabled commencing January 6, 2000. He checked a box “yes” that the diagnosis was employment related, but does not provide a history of a December 16, 1999 injury or other explanation as to the relationship of disability for work and federal employment.⁵

With respect to disability commencing in March 2000, Dr. Furay reported in a March 21, 2000 treatment note that appellant complained of right groin pain, but again he did not discuss causal relationship with the December 16, 1999 employment injury. The Board is unable to find any medical report that contains an accurate background and a reasoned opinion with respect to a period of disability and the December 16, 1999 employment injury. The Board accordingly finds that appellant did not meet his burden in this case.⁶

The Board further finds that the Office did not meet its burden to terminate medical benefits.

The right to medical benefits for an accepted condition is not limited to the period of entitlement to compensation for disability. To terminate authorization for medical treatment, the Office must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.⁷

The May 16, 2000 decision appears to find that prior authorization for medical treatment was limited to treatment on December 28, 1999; it also finds that no medical benefits would be paid after December 28, 1999. The record, however, contains a February 24, 2000 letter that authorizes nerve block treatments, and a March 15, 2000 letter authorizing pain therapy. In addition, Office failed to acknowledge that it has the burden of proof to terminate authorization for medical treatment. The Office did not identify any medical evidence that contains an opinion that the December 16, 1999 injury had resolved, or other probative evidence establishing that the employment-related condition had resolved as of a particular date. In the absence of such evidence, the Board finds that the Office did not meet its burden to terminate medical benefits.

⁴ To the extent that appellant is claiming an injury from lifting at work over a period of time, this would constitute a new occupational disease claim and would require filing of an appropriate claim.

⁵ Form reports containing little explanation or rationale are generally of limited probative value. See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).

⁶ The Board’s jurisdiction on this appeal is limited to evidence that was before the Office at the time of the May 16, 2000 decision. 20 C.F.R. § 501.2(c).

⁷ *Furman G. Peake*, 41 ECAB 361 (1990).

The decision of the Office of Workers' Compensation Programs dated May 16, 2000 is affirmed with respect to disability for work, and reversed with respect to termination of medical benefits.

Dated, Washington, DC
July 25, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member