

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of TERESA L. EASLEY and U.S. POSTAL SERVICE,  
POST OFFICE, Austin, TX

*Docket No. 03-2123; Submitted on the Record;  
Issued October 29, 2003*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant had any wage-loss disability after September 20, 2002 causally related to an April 20, 2002 employment injury.

On April 23, 2002 appellant, then a 44-year-old rural letter carrier, filed a notice of traumatic injury (Form CA-1) claiming that she sustained a head and neck injury after being thrown from her vehicle in an automobile accident while in the performance of her federal duties on April 20, 2002. Appellant was taken to a hospital and in a medical form report dated April 25, 2002 a diagnosis of scalp contusion and corneal abrasion was provided. X-rays and a computerized axial tomography scan revealed scalp swelling without a fracture or acute intracranial injury, but were negative for abdominal trauma.

In a May 16, 2002 form report, Dr. Rajeev Gupta, an attending Board-certified internist, indicated that appellant could return to work on light duty on May 20, 2002 but could not engage in driving. In a June 12, 2002 form report, he indicated that appellant had a lumbar strain and should remain on light duty. In a June 28, 2002 report, Dr. Gupta noted that appellant was involved in a motor vehicle accident and sustained a concussion injury to the head with hematoma behind the right ear. He noted that appellant had no fracture, that she was being seen for physical therapy and that she could work light duty. In a July 10, 2002 decision, the Office of Workers' Compensation Programs accepted appellant's claim for a concussion and informed her that she could file a claim for wage-loss compensation. The Office also accepted that appellant sustained a lumbar sprain/strain on April 20, 2002.

Appellant submitted form reports dated August 22 and September 5, 2002 in which Dr. Gupta stated that she could return to full duty. In a form report dated October 7, 2002, he noted that appellant had limited work restrictions including lifting no more than 20 pounds, bending for no more than 2 hours and twisting no more than 3 hours. On October 12 and 22, 2002 appellant filed claims for compensation (Form CA-7) requesting compensation for intermittent wage loss beginning September 21, 2002. In a November 4, 2002 letter, the Office

notified appellant that she needed to submit additional medical evidence to establish disability for the claimed periods.

In an October 29, 2002 report, Dr. Gupta indicated that he released appellant to full duty on September 12, 2002 but had recently received an x-ray report that showed a fairly recent mild compression fracture of D12. He added that, according to his records, there were no x-rays taken of appellant's lower back at the time of the accident because she did not complain of pain. As a result of this new report, Dr. Gupta was returning appellant to light-duty status.

In decision dated December 17, 2002, the Office denied appellant's claim for compensation after September 20, 2002 finding that the medical evidence did not support wage-loss disability. In a February 14, 2003 form report, Dr. Gupta indicated that appellant could return to full duty without restrictions. In a decision dated February 24, 2003, the Office denied modification of its December 17, 2002 decision.

The Board finds that appellant has not met her burden of proof to establish entitlement to wage-loss compensation after September 20, 2002.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>2</sup> The medical evidence required to establish a causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 factors identified by the claimant.<sup>3</sup>

In the present case, appellant has not submitted sufficient medical evidence to establish intermittent wage-loss disability after September 20, 2002. Appellant submitted an October 29, 2002 report from Dr. Gupta, an attending Board-certified internist, who indicated that she had a recent mild fracture at D12 and she was to return to light duty. He did not attribute this condition to appellant's April 20, 2002 injury, nor did he explain how and why appellant was disabled by her accepted conditions.<sup>4</sup> Moreover, the record contains several reports, dated between

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *See Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

<sup>4</sup> The record also includes an October 7, 2002 report in which Dr. Gupta provided some limited work restrictions, but he did not clearly indicate that these restrictions were required by a work injury.

August 2002 and February 2003, in which Dr. Gupta indicated that appellant could return to full duty. Absent medical evidence establishing that appellant had disability after September 20, 2002 that was causally related to her accepted condition, appellant has not met her burden of proof.

The decisions of the Office of Workers' Compensation Programs dated February 24, 2003 and December 17, 2002 are affirmed.

Dated, Washington, DC  
October 29, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member