

fracture, left hip fracture and a left knee laceration. On September 5, 2003 appellant filed a claim for compensation for disability between December 16, 2002 and September 5, 2003.

In a disability certificate dated September 24, 2002, Dr. David R. Allen, a Board-certified orthopedic surgeon, stated that appellant would be unable to work for six months.

In a narrative report dated December 19, 2002, Dr. Allen stated that appellant's hip and left wrist were improved. He indicated that she could return to work with the single restriction that she not stand or walk for more than one-half hour a day. Dr. Allen noted that appellant recently had a stroke.¹

In a January 22, 2003 report, Dr. Allen indicated that appellant should not stand for more than one hour a day and should have no repetitive use of the left upper extremity. In a February 26, 2003 narrative report, Dr. Allen indicated that appellant had no remaining physical restrictions due to her accepted employment injury.

In form reports dated August 27 and September 5, 2003, Dr. Allen indicated that appellant was totally disabled from August 19, 2002 to February 26, 2003 due to her August 19, 2002 employment injury.

Appellant also submitted notes from physical therapists in support of her claim.

By letter dated September 11, 2003, an employing establishment human resources specialist asked Dr. Allen to provide the specific period of disability that was causally related to appellant's August 19, 2002 employment injury. There was no response from Dr. Allen.

On September 25, 2003 the Office advised appellant that she needed to provide additional medical documentation to support disability from work due to her accepted conditions of fractures of the left hip and wrist. However, no further medical evidence was submitted by appellant at that time.

By decision dated January 14, 2004, the Office denied appellant's claim for compensation for the period December 16, 2002 to September 5, 2003 on the grounds that she failed to submit medical evidence establishing that her disability was causally related to her August 19, 2002.²

LEGAL PRECEDENT

To establish a causal relationship between appellant's condition and any attendant disability claimed and the employment event or incident, she must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal

¹ In a later report, Dr. Allen indicated that appellant's stroke occurred on November 22, 2002.

² The Board does not have jurisdiction to review the additional medical evidence submitted by appellant on appeal. The Board's jurisdiction is limited to evidence that was before the Office at the time it issued its final decision on January 14, 2004. See 20 C.F.R. § 501.2(c); *Sherry L. McFall*, 51 ECAB 436 (2000).

relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated 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.³ If the Office accepts that a claimant sustained an employment injury, she still has the burden to establish that her accepted condition resulted in disability for work for the specific periods for which she is claiming compensation.⁴

ANALYSIS

While the Office accepted that appellant sustained an employment injury on August 19, 2002, she still has the burden to establish that her accepted conditions, a left wrist and left hip fracture, resulted in disability for work for the specific period for which she is claiming compensation, December 16, 2002 to September 5, 2003.

In a September 24, 2002 disability certificate, Dr. Allen, appellant's attending physician, stated that she would be unable to work for six months. However, he did not provide any medical rationale explaining how her disability was causally related to her August 19, 2002 employment injury. Therefore, this disability certificate is not sufficient to support her claimed disability from December 16, 2002 to September 5, 2003.

In a December 19, 2002 narrative report, Dr. Allen stated that appellant's hip and left wrist fractures were improved and he released her to work with the single restriction that she not stand or walk for more than one-half hour a day. Dr. Allen opined that appellant could work only with restrictions; however, his report is not sufficient to establish that she was disabled from December 16, 2002 to September 5, 2003 due to the employment injury. Dr. Allen noted that appellant had recently had a stroke but he did not state that this was related in anyway to the accepted injuries or whether appellant's work restrictions were related to the stroke.

In form reports dated August 27 and September 5, 2003, Dr. Allen indicated that appellant was totally disabled from August 19, 2002 to February 26, 2003. However, these reports conflict with his December 19, 2002 report in which he released appellant to limited-duty work. These reports provide no medical rationale explaining how appellant was disabled during this period due to her August 19, 2002 employment injury rather than residuals of her stroke.

Appellant also submitted notes from physical therapists in support of her claim. However, a physical therapist is not a physician as defined in the Federal Employees' Compensation Act.⁵ Therefore, these notes do not constitute medical evidence sufficient to establish her claim.

³ *Gloria J. McPherson*, 51 ECAB 441 (2000).

⁴ *Dorothy J. Bell*, 47 ECAB 624 (1996).

⁵ 5 U.S.C. § 8101(2); *Jennifer L. Sharp*, 48 ECAB 209 (1996).

CONCLUSION

The Board finds that appellant failed to submit rationalized medical evidence establishing that her disability between December 16, 2002 and September 5, 2003 was causally related to her August 19, 2002 employment injury. She did not meet her burden of proof and the Office properly denied her claim.

ORDER

IT IS HEREBY ORDERED THAT the January 14, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 18, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member