

On May 11, 2004 the Office received appellant's claim for compensation (Form CA-7) for the period March 15 to April 29, 2004. She submitted an April 27, 2004 attending physician's report (Form CA-20) from Dr. Daniel R. Glor, a treating Board-certified neurologist, who diagnosed reflex sympathetic dystrophy of the left arm, leg and back. Dr. Glor checked "yes" to the question of whether the condition was related to the October 4, 2001 employment injury. The period of total disability was noted as March 15 to April 20, 2004.

On May 24, 2004 the Office instructed appellant that the evidence of record was insufficient to support total disability and advised her as to the type of medical and factual evidence required to support her claim.

On June 25, 2004 the Office received notes from Dr. Glor dated September 9, October 27 and December 12, 2003, follow-up reports dated May 5 and June 1, 2004 by Dr. John M. Huffman, Jr., a treating Board-certified anesthesiologist and magnetic resonance imaging (MRI) scans dated June 24 and November 5, 2002.

Dr. Glor diagnosed reflex sympathetic dystrophy. On September 9, 2003 the physician diagnosed complex regional pain syndrome. Dr. Huffman diagnosed intractable left shoulder, thoracic chest wall and upper extremity pain, complex regional pain syndrome and status post March 15, 2004 spinal cord stimulator implantation. He released appellant to light-duty work.

By decision dated July 6, 2004, the Office denied appellant's claim for compensation for total disability for the period March 15 through April 29, 2004.

On August 24, 2004 appellant requested reconsideration and submitted reports from Dr. Glor dated January 11, October 27, December 22, 2003 and August 9, 2004, operative reports dated March 1 and 15, 2004 and follow-up reports dated March 5, May 5 and June 1, 2004 by Dr. Huffman, a January 9, 2004 brain MRI scan, a February 19, 2003 bone scan and left blocks for the ganglion and lumbar back dated February 10, April 3 and 15, May 1, July 3, August 26 and September 9, 2003 and a January 21, 2003 consultative report by Dr. Yusuf Mosuro, a Board-certified anesthesiologist.

On August 9, 2004 Dr. Glor noted that appellant sustained an injury on October 4, 2001 when she was attacked by two dogs. He opined that appellant later "developed a chronic pain syndrome on the left side of her body with certain characteristics of reflex sympathetic dystrophy." A neurological examination revealed trigger points in the left lumbosacral paraspinal muscles and the left periscapular region. Regarding objective testing, Dr. Glor related the January 2, March 21 and November 5, 2002 MRI scans were either unremarkable or essentially negative. Dr. Glor noted that appellant's pain was a direct result of the dog attack on October 4, 2001. In support of this conclusion, he stated "[t]he trauma of the attack produced a left-sided chronic pain syndrome, specifically reflex sympathetic dystrophy. He opined that appellant was only able to work in a light-duty job with restrictions.

By decision dated November 23, 2004, the Office, denied modification on the July 6, 2004 decision.¹

LEGAL PRECEDENT

Under the Federal Employees' Compensation Act² the term "disability" is defined as incapacity, because of employment injury, to earn the wages that the employee was receiving at the time of injury.³ Disability is thus not synonymous with physical impairment which may or may not result in an incapacity to earn the wages. An employee who has a physical impairment causally related to a federal employment injury but who nonetheless has the capacity to earn wages she was receiving at the time of injury has no disability as that term is used in the Act,⁴ and whether a particular injury causes an employee disability for employment is a medical issue which must be resolved by competent medical evidence.⁵ For each period of disability claimed, appellant has the burden of proving by the preponderance of the reliable, probative and substantial evidence that she is disabled for work as a result of her employment injury.⁶

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors.⁷ 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.⁸

¹ The Board notes that the record contains additional evidence which was not before the Office at the time it issued its November 23, 2004 decision. However, the Board cannot consider new evidence for the first time on appeal; see 20 C.F.R. § 501.2(c); *Leona B. Jacobs*, 55 ECAB ____ (Docket No. 04-1429, issued September 30, 2004); *Robert D. Clark*, 48 ECAB 422 (1997).

² 5 U.S.C. §§ 8101-8193.

³ *Bobbie F. Cowart*, 55 ECAB ____ (Docket No. 04-1416, issued September 30, 2004); *Maxine J. Sanders*, 46 ECAB 835 (1995); see also 20 C.F.R. § 10.5(f).

⁴ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Tammy L. Medley*, 55 ECAB ____ (Docket No. 03-1861, issued December 19, 2003); *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negrón Marrero*, 33 ECAB 796 (1982).

⁶ *Fereidoon Kharabi*, 52 ECAB 291 (2001).

⁷ *Mary J. Summers*, 55 ECAB ____ (Docket No. 04-704, issued September 29, 2004).

⁸ See *Fereidoon Kharabi*, *supra* note 6; see also *Yvonne R. McGinnis*, 50 ECAB 272 (1999) (the employee has the burden of proving that he is disabled for work as a result of an employment injury or condition. This burden includes the necessity of submitting medical opinion evidence, based on a proper factual and medical background, establishing such disability and its relationship to employment). 5 U.S.C. §§ 8101-8193.

ANALYSIS

The Office accepted that appellant sustained a left shoulder strain and cervical strain and paid intermittent wage-loss compensation for the period October 13, 2002 to April 15, 2003. She thereafter submitted a claim for compensation for the period March 15 to April 29, 2004.

Appellant submitted reports dated January 11, October 27, December 22, 2003 and August 9, 2004, provider notes dated September 9, October 27 and December 12, 2003 and an April 27, 2004 Form CA-20 from Dr. Glor whose April 27, 2004 Form CA-20 report indicated that appellant's reflex sympathetic dystrophy of the left arm, leg and back was caused by her employment activity by placing a checkmark in the box marked "yes." The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's disability was related to the history is of diminished probative value and without any explanation or rationale for the conclusion reached such report is insufficient to establish causal relationship.⁹ Moreover, the Office accepted appellant's claim for left shoulder strain and cervical strain and has not accepted the condition of reflex sympathetic dystrophy of the left leg, arm and back. Dr. Glor did not explain how appellant's claimed disability was caused by her accepted employment injuries. Therefore, his report is insufficient to establish her claim. Similarly, the provider notes dated September 9, October 27 and December 12, 2003 by Dr. Glor are also insufficient to support appellant's claim as they predate her claim for compensation, which was March 15 through April 29, 2004.

Dr. Glor's August 9, 2004 report noted the history of injury and opined that appellant later "developed a chronic pain syndrome on the left side of her body with certain characteristics of reflex sympathetic dystrophy." Dr. Glor reported that the objective testing was either unremarkable or essentially negative. He concluded that appellant's pain was a direct result of the dog attack on October 4, 2001. In support of this conclusion, he stated "[t]he trauma of the attack produced a left-sided chronic pain syndrome, specifically reflex sympathetic dystrophy. The Board has held that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship that is unsupported by medical rationale.¹⁰ Dr. Glor provided insufficient medical rationale to support his conclusion that the accepted employment injury caused her reflex sympathetic dystrophy. Thus, this report is insufficient to support her claim for wage-loss compensation.

Appellant also submitted a number of objective studies, including MRI and bone scans and left blocks for the lumbar ganglion, a January 21, 2003 consultative report by Dr. Mosuro, and a June 1, 2004 report by Dr. Huffman. These reports, however, do not offer any opinion with respect to causal relationship or regarding appellant's disability commencing March 15, 2004. Dr. Mosuro's report predates appellant's claim for wage-loss compensation. The Board has held that 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.¹¹

⁹ *Joan R. Donovan*, 54 ECAB ____ (Docket No. 03-297, issued June 13, 2003); *Lucrecia M. Nielson*, 42 ECAB 583, 594 (1991).

¹⁰ *Conard Hightower*, 54 ECAB ____ (Docket No. 02-1568, issued September 9, 2003).

¹¹ *Michael E. Smith*, 50 ECAB 313 (1999).

The Board finds that appellant did not submit medical evidence sufficient to establish that she was disabled from March 15 to April 29, 2004 as a result of her accepted October 4, 2001 employment injury. The Board will not require the Office to pay compensation for disability in the absence of any medical evidence directly addressing the particular period of disability for which compensation is claimed.¹²

CONCLUSION

The Board finds appellant has not established that her total disability from March 15 to April 29, 2004 was due to her accepted October 4, 2001 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 23, 2004 is affirmed.

Issued: June 16, 2005
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

¹² *Fereidoon Kharabi, supra* note 6.