

January 14, 2005. Following the recommendations of Dr. Lauro and Dr. Gregg L. Goldstrohm, a Board-certified orthopedic surgeon to whom Dr. Lauro referred appellant for consultation, she returned to full-time work on March 26, 2005 with lifting restrictions. Appellant received compensation for intermittent periods of disability while she was receiving medical treatment.

On July 11, 2005 appellant filed a claim for compensation for intermittent periods from June 25 to July 8, 2005. Subsequent claims for later intermittent periods were also filed. By letter to appellant dated August 8, 2005, the Office advised her to supply medical documentation in order to be approved for compensation for intermittent periods of disability from June 25 through July 12, 2005.

In a report dated June 13, 2005, Dr. Goldstrohm stated that he saw appellant on that date and that she had completed her therapy but had not had much improvement. In a note dated August 3, 2005, Dr. Lauro indicated that he had referred appellant to Dr. Goldstrohm for recurrent wrist pain pertaining to her workers' compensation injury. In a note dated August 30, 2005, Dr. Goldstrohm asked that appellant be excused from work "when she needs to stay home [because] of the problems she has [with] her right wrist and [because] of the use of medication."

Appellant also submitted an office note from Dr. Lauro dated September 23, 2005 who indicated that there were three factors contributing to appellant's current situation: (1) that appellant is 64 years old and degenerative problems were developing in her wrist; (2) she has scleroderma which preexisted her injury; and (3) the work-related injury.

By decision dated October 4, 2005, the Office denied appellant's claim for compensation for intermittent periods of disability commencing June 25, 2005 for the reason that appellant failed to establish that she continued to be disabled from work due to the injury of July 29, 2004.

LEGAL PRECEDENT

The term disability is defined as the incapacity because of an employment injury to earn the wages the employee was receiving at the time of the injury, *i.e.*, a physical impairment resulting in loss of wage-earning capacity.¹

Whether a particular injury causes an employee to be disabled for employment and the duration of that disability are medical issues which must be proved by a preponderance of the reliable, probative and substantial medical evidence.² Findings on examination are generally needed to support a physician's opinion that an employee is disabled for work. When a physician's statements regarding an employee's ability to work consist only of repetition of the employee's complaints that she hurt too much to work, without objective findings of disability being shown, the physician has not presented a medical opinion on the issue of disability or a basis for payment of compensation.³ The Board will not require the Office to pay compensation

¹ 20 C.F.R. § 10.5(f). *See, e.g., Cheryl L. Decavitch*, 50 ECAB 397 (1999) (where appellant had an injury but no loss of wage-earning capacity).

² *See Fereidoon Kharabi*, 52 ECAB 291 (2001).

³ *Id.*

for disability in the absence of any medical evidence directly 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.⁴

The Office's procedure manual provides that wages lost for compensable medical examination or treatment may be reimbursed.⁵ It notes that a claimant who has returned to work following an accepted injury or illness may need to undergo examination or treatment and such employee may be paid compensation for wage loss while obtaining medical services and for reasonable time spent traveling to and from the medical provider's location.⁶

ANALYSIS

Appellant's claim was accepted for fracture to her right wrist. She filed claims for wage-loss compensation for intermittent periods, including the period commencing June 25, 2005. By letter dated August 8, 2005, the Office informed appellant that she must supply medical documentation to support her claim for intermittent periods of compensation commencing June 25, 2005. Appellant did not submit the requested evidence. Dr. Lauro's general comment in his August 30, 2005 note that appellant needed to be excused from work when she needed to stay home with problems associated with her right wrist and the use of medication does not specify those dates appellant was disabled from work, nor does he explain why appellant could not perform her job duties. Furthermore, Dr. Lauro indicated that appellant has three situations causing her wrist problems, *i.e.*, her age, her preexisting scleroderma and her work injury. As noted, appellant may not self-certify her disability and entitlement to compensation.⁷ The evidence is not clear as to the amount of time appellant lost from work due to doctor's appointments with regard to her accepted work injury. Accordingly, appellant did not submit sufficient medical evidence to support her claim for intermittent periods of disability commencing June 25, 2005.

CONCLUSION

The Office properly determined that appellant has not established that she sustained intermittent periods of disability commencing June 25, 2005 causally related to her July 29, 2004 employment injury.

⁴ *Id.*

⁵ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Computing Compensation*, Chapter 2.901.16 (December 1995).

⁶ See *Daniel Hollars*, 51 ECAB 355 (2000); *Jeffrey R. Davis*, 35 ECAB 950 (1984).

⁷ *Fereidoon Kharabi*, *supra* note 2.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 4, 2005 is affirmed.

Issued: June 22, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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