



## **FACTUAL HISTORY**

On January 4, 2006 appellant, then a 64-year-old mail carrier, sustained a sprained right thumb and wrist after it was twisted and bent backwards while at work. His claim was accepted for right thumb sprain on March 1, 2006. Appellant's claim was accepted for right wrist sprain and right wrist synovitis on May 23, 2006. On June 19, 2006 he had surgery on his right wrist.

On June 30, 2006 appellant filed a Form CA-7 claim for compensation for leave without pay from March 3 through June 9, 2006. He also submitted a Time Analysis Form dated May 9, 2006 for the period February 6 through April 21, 2006.

In a July 6, 2006 letter, the Office informed appellant that medical documentation was needed to support his claim. The Office received additional medical documentation including Advanced Orthopedic Centers notes dated June 9 to August 28, 2006. Appellant was treated by Dr. T. Paul McDermott, Jr., Board-certified in orthopedic surgery, in notes dated March 21 to July 14, 2006. In the July 14, 2006 report, Dr. McDermott opined that appellant was disabled from June 19 through 22, 2006.

In a September 21, 2006 decision, the Office denied appellant's claim on the grounds that the evidence failed to support disability during the claimed time period.

## **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of proof to establish the essential elements of his claim by the weight of the evidence.<sup>2</sup> For each period of disability claimed, the employee has the burden of proving that he was disabled for work as a result of his accepted employment injury.<sup>3</sup> Whether a particular injury causes an employee to become disabled for work and the duration of that disability are medical issues that must be proved by a preponderance of the reliable, probative and substantial evidence.<sup>4</sup> The Board will not require the Office to pay compensation 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.<sup>5</sup>

Generally, findings on examination are needed to justify a physician's opinion that an employee is disabled for work.<sup>6</sup> The Board has held that, when a physician's statements regarding an employee's ability to work consist only of a repetition of the employee's complaints that he or she hurt too much to work without objective signs of disability being shown, the

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<sup>2</sup> *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

<sup>3</sup> *David H. Goss*, 32 ECAB 24 (1980).

<sup>4</sup> *Edward H. Horton*, 41 ECAB 301 (1989).

<sup>5</sup> *Fereidoon Kharabi*, 52 ECAB 291 (2001).

<sup>6</sup> *See Dean E. Pierce*, 40 ECAB 1249 (1989); *Paul D. Weiss*, 36 ECAB 720 (1985).

physician has not presented a medical opinion on the issue of disability or a basis for payment of compensation.<sup>7</sup>

### **ANALYSIS**

The Office denied wage-loss compensation for the period March 3 through June 6, 2006 finding that the medical evidence did not establish that appellant was disabled due to his January 4, 2006 employment injury. The Office accepted appellant's traumatic injury claim for right thumb, right wrist sprain and right wrist synovitis. Appellant did not submit sufficient medical evidence to establish that he was disabled for intermittent dates from March 3 through June 6, 2006.

The record indicates that he had doctor visits on two of the days claimed, March 21 and May 16, 2006. However, there is no evidence that he missed work because of these appointments. Appellant submitted no medical reports providing a physician's opinion with findings on examination stating that he was disabled for work because of his employment-related right thumb and wrist condition on the specific dates for which he is claiming compensation. Without a narrative medical opinion directly addressing the dates listed, the evidence of record fails to establish that appellant is entitled to compensation for disability during the period in question.<sup>8</sup> The Board finds that appellant has failed to meet his burden.

### **CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish that he is entitled to any additional compensation for the period March 3 through June 6, 2006.

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<sup>7</sup> *John L. Clark*, 32 ECAB 1618 (1981).

<sup>8</sup> *Nathaniel Milton*, *supra* note 2; *Joseph M. Whelan*, *supra* note 2.

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 21, 1006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 17, 2007  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board