

**United States Department of Labor
Employees' Compensation Appeals Board**

A.C., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Rockford, IL, Employer**

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**Docket No. 11-277
Issued: August 15, 2011**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Judge
COLLEEN DUFFY KIKO, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On November 16, 2010 appellant filed a timely appeal from the August 19, 2010 merit decision of the Office of Workers' Compensation Programs (OWCP), which denied compensation for a period of disability. Pursuant to the Federal Employees' Compensation Act (FECA)¹ and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant's disability from March 13 to June 7, 2010 was causally related to her accepted employment injury.

FACTUAL HISTORY

On August 4, 2009 appellant, then a 39-year-old letter carrier, filed a claim alleging that she injured her left shoulder in the performance of duty: "Have been working overtime and

¹ 5 U.S.C. § 8101 *et seq.*

shoulder slowly became more sore.” OWCP accepted her claim for calcifying tendinitis of the left shoulder and a disorder of the bursae and tendons in the shoulder region, unspecified, left. Appellant underwent left shoulder surgery on December 10, 2009. She received compensation for periods of disability.

Appellant filed claims for compensation for the period March 13 to June 17, 2010. OWCP requested additional information. It noted that appellant was released to return to full-time unrestricted duty effective March 15, 2010 and that on April 19, 2010 she was released to work full time with restrictions. “Please provide narrative medical evidence that indicates why you were unable to work during the period claimed.”

On June 8, 2010 Dr. Dennis F. Fancsali, a Board-certified orthopedic surgeon, noted that appellant had persistent pain in her left shoulder. Appellant was informed that a May 28, 2010 study showed a left supraspinatus tendinopathy and partial thickness bursal tear. Dr. Fancsali stated: “The patient took herself off work because of the pain in her shoulder.” He described his findings on physical examination, his diagnoses and treatment. Dr. Fancsali noted that appellant was “off work six weeks.” OWCP paid compensation beginning June 8, 2010.

In a decision dated August 19, 2010, OWCP denied compensation from March 13 to June 7, 2010. It explained that it had received no medical evidence to support that appellant was totally disabled for work during that period due to her accepted employment injury.

LEGAL PRECEDENT

FECA provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.² A claimant seeking benefits under FECA has the burden of proof to establish the essential elements of her claim by the weight of the evidence,³ including that she sustained an injury in the performance of duty and that any specific condition or disability for work for which she claims compensation is causally related to that employment injury.⁴ For each period of disability claimed, the claimant has the burden of proving that she was disabled for work as a result of her accepted employment injury.⁵

The claimant must submit a rationalized medical opinion that supports a causal connection between the disabling condition and the employment injury. The medical opinion must be based on a complete factual and medical background with an accurate history of the employment injury, and must explain from a medical perspective how the disabling condition is related to the injury.⁶

² 5 U.S.C. § 8102(a).

³ *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

⁴ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *David H. Goss*, 32 ECAB 24 (1980).

⁶ *John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

Generally, findings on examination are needed to justify a physician's opinion that a claimant is disabled for work.⁷ The Board has held that when a physician's statements regarding a claimant's ability to work consist only of a repetition of the claimant's complaints that she hurt too much to work, without objective signs of disability being shown, the physician has not presented a medical opinion on the issue of disability or a basis for payment of compensation.⁸

The Board will not require OWCP 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 a claimant to self-certify her disability and entitlement to compensation.⁹

ANALYSIS

Appellant claimed compensation for disability from March 13 to June 17, 2010. She therefore has the burden of proof to establish that the disability for which she seeks compensation is causally related to her accepted employment injury. Although OWCP received several medical reports during this time, the only physician to support disability for work was Dr. Fancsali, the orthopedic surgeon, who stated on June 8, 2010 that appellant was off work for six weeks. Neither Dr. Fancsali nor any other physician supported appellant's claim that she was totally disabled for work from March 13 to June 7, 2010 as a result of the accepted employment injury.

Dr. Fancsali noted that appellant had taken herself off work because of the pain in her shoulder. Without a physician explaining how the accepted employment injury prevented her from performing her duties during the particular period claimed, and supporting that opinion with objective findings on examination, the medical opinion evidence is insufficient to establish the element of causal relationship.

The Board therefore finds that appellant has not met her burden of proof to establish her entitlement to compensation for the period claimed. The Board will affirm OWCP's August 19, 2010 decision denying compensation from March 13 to June 7, 2010.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that her disability from March 13 to June 7, 2010 was causally related to her accepted employment injury.

⁷ See *Dean E. Pierce*, 40 ECAB 1249 (1989); *Paul D. Weiss*, 36 ECAB 720 (1985).

⁸ *John L. Clark*, 32 ECAB 1618 (1981).

⁹ *Fereidoon Kharabi*, 52 ECAB 291 (2001).

ORDER

IT IS HEREBY ORDERED THAT the August 19, 2010 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 15, 2011
Washington, DC

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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