



## **FACTUAL HISTORY**

OWCP accepted that on November 23, 2010 appellant, then a 53-year-old mail handler/equipment operator, sustained a left ankle sprain when he rolled his left ankle while dismounting from a forklift. He stopped work on November 24, 2010.<sup>2</sup>

Appellant filed several CA-7 forms (Claim for Compensation) in which he claimed that he had disability due to his November 23, 2010 work injury for periods between January 10 and March 18, 2011.

Appellant was under the periodic care of Dr. John A. Woodcock, an attending Board-certified family practitioner and osteopath, beginning in December 2010. On December 30, 2011 Dr. Woodcock signed a Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act) stating that appellant had an ankle injury which was not improving, that he was incapacitated until February 29, 2011 and that a treatment plan was awaiting further diagnosis.<sup>3</sup>

The findings of January 9, 2011 magnetic resonance imaging (MRI) scan testing of appellant's left ankle showed no acute tendon or ligament abnormality and no evidence of effusion or fracture.<sup>4</sup>

In a January 25, 2011 report, Dr. Woodcock stated that appellant was under his medical care and could not return to work at the time. He asked that appellant be excused from work for nine days and noted that he could return to work on February 3, 2011. In a January 25, 2011 report, Dr. Woodcock diagnosed left ankle pain and hypertension, benign.

In an undated form report entitled "Medical Documentation/Comprehensive Medical Report," Dr. Woodcock listed a diagnosis as "persistent ankle pain [status post] injury" and the objective findings as persistent pain with range of motion.<sup>5</sup> The results of diagnostic tests were listed as unknown for MRI scan and x-ray tests and the period of disability was stated as "unclear" pending further diagnostic tests. An anticipated return to work date of April 1, 2011 was given and under the heading "physician's rationalized opinion" the word "neuropathy" was provided.<sup>6</sup>

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<sup>2</sup> Appellant continued to receive his regular pay for about a month and a half after November 23, 2010.

<sup>3</sup> In a December 30, 2010 note, Dr. Woodcock indicated that appellant could not return to work until January 13, 2011. A January 13, 2011 disability slip from the Sierra Medical Group, with an illegible signature, indicated that appellant was "off work through January 27, 2011 due to injury."

<sup>4</sup> A disability slip from the Sierra Medical Group indicated that appellant was off work until February 18, 2011 due to diagnostic testing.

<sup>5</sup> The report was submitted to OWCP on February 15, 2011.

<sup>6</sup> Dr. Woodcock completed a similar form report on March 9, 2011 indicating that appellant was disabled since November 23, 2010.

In a February 24, 2011 disability slip, Dr. Woodcock indicated that appellant was off work from February 24 to March 9, 2011 due to persistent ankle pain. In duty status reports dated February 25 and 28, 2011, he diagnosed ankle pain with neuropathy and clinical findings of pain. Dr. Woodcock listed the date of injury as November 23, 2010 and stated that appellant could not return to work. He also completed a disability slip on March 9, 2011 indicating that appellant should be off work through March 25, 2011 and a March 24, 2011 slip showing disability through April 1, 2011.

In a March 30, 2011 decision, OWCP denied appellant's disability claim on the grounds that he did not submit sufficient medical evidence to establish that he had disability for the claimed periods beginning January 10, 2011 due to his November 23, 2010 work injury. It indicated that the submitted medical evidence did not contain a rationalized opinion on causal relationship.

Appellant filed additional CA-7 forms in which he claimed that he had disability due to his November 23, 2010 work injury for the period April 16 to June 18, 2011. In a May 24, 2011 disability slip, Dr. Woodcock indicated that appellant should be excused from work for three weeks.<sup>7</sup> In a June 13, 2011 note, he diagnosed ankle sprain and indicated that appellant should be off work through July 13, 2011 "due to treatment." Appellant submitted other medical reports in support of his claim, but the reports did not contain any opinion relevant to the claimed periods of disability.

Appellant requested a hearing before an OWCP hearing representative. At the July 28, 2011 hearing, he argued that he had submitted medical evidence which supported his disability claim. The medical evidence of record was discussed, including Dr. Woodcock's diagnosis of left ankle pain. Appellant was advised of the medical evidence necessary to establish his disability claim, including a report which contained medical rationale relating his work injury to the periods of claimed disability. He submitted several reports from Dr. Daniel Alves, an attending Board-certified pain management physician, who treated appellant in mid 2011. In a July 14, 2011 report, Dr. Ray d'Amours, an attending Board-certified pain management physician, stated that appellant had a history of chronic left ankle pain and "some apparent nerve injury."

In a September 30, 2011 decision, an OWCP hearing representative affirmed OWCP's March 30, 2011 decision noting that appellant did not submit sufficient medical evidence to establish that he had disability for the claimed periods between January 10 and June 18, 2011 due to his November 23, 2010 work injury. The hearing representative stated that the reports on disability by Dr. Woodcock and other attending physicians lacked a rationalized opinion on the cause of disability.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of establishing the essential elements of his claim including the fact that the individual is an "employee of the United States" within the meaning of FECA, that the claim was timely filed within the applicable time

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<sup>7</sup> In a May 9, 2011 slip, Dr. Woodcock indicated that appellant should be off work from May 9 to 23, 2011.

limitation period of FECA, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>8</sup> The medical evidence required to establish a causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between appellant's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of appellant, 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 appellant.<sup>9</sup>

### ANALYSIS

OWCP accepted that on November 23, 2010 appellant sustained a left ankle sprain. Appellant claimed that he had disability for periods between January 10 and June 18, 2011 due to his November 23, 2010 work injury.

The Board finds that appellant did not submit sufficient medical evidence to establish that he had disability for the claimed periods between January 10 and June 18, 2011 due to his November 23, 2010 work injury.

In support of his claim, appellant submitted numerous report of Dr. Woodcock, an attending Board-certified family practitioner and osteopath, who saw him on a regular basis. Most of these reports consist of brief disability slips in which Dr. Woodcock indicated that appellant could not work for various periods, including periods between January 10 and June 18, 2011. None of the reports contains a rationalized medical opinion relating the November 23, 2010 work injury to the claimed periods of disability. Dr. Woodcock did not discuss appellant's November 23, 2010 work injury in any detail and, in most cases, he merely diagnosed appellant with chronic left ankle pain. He did not explain how the type of soft-tissue injury that OWCP accepted could cause disability for such an extended period.

In the undated form report entitled "Medical Documentation/Comprehensive Medical Report," Dr. Woodcock listed the diagnosis as "persistent ankle pain [status post] injury" and the objective findings as persistent pain with range of motion. An anticipated return to work date of April 1, 2011 was given and under the heading "physician's rationalized opinion" the word "neuropathy" was provided. Although Dr. Woodcock suggested that appellant had some type of left ankle neuropathy, such a condition has not been accepted as work related and he did not provide a rationalized medical opinion relating a neuropathy condition to the November 23, 2010 work injury or other work factors. His reports are not sufficiently well rationalized to establish appellant's claim for the alleged periods of disability.

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<sup>8</sup> *J.F.*, Docket No. 09-1061 (issued November 17, 2009).

<sup>9</sup> *See E.J.*, Docket No. 09-1481 (issued February 19, 2010).

Appellant also submitted several reports in which Dr. Alves, an attending Board-certified pain management physician, discussed the treatment he provided in mid 2011. In the July 14, 2011 report of Dr. d'Amours, who stated that appellant had a history of chronic left ankle pain and "some apparent nerve injury." However, neither physician provided an opinion on the cause of appellant's disability for the claimed periods. Appellant's claim has only been accepted for a left ankle sprain and these physicians did not provide a clear opinion that he had disability due to this injury for any specific period.<sup>10</sup>

For these reasons, appellant did not meet his burden of proof to establish that he had disability for periods between January 10 and June 18, 2011 due to his November 23, 2010 work injury.

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 did not meet his burden of proof to establish that he had disability for periods between January 10 and June 18, 2011 due to his November 23, 2010 work injury.

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<sup>10</sup> On appeal, appellant alleged that he was disabled for the claimed periods based on his belief that he was unable to perform his job. However, he did not submit sufficient medical evidence to support his claim of disability due to his accepted work injury. Appellant asserted that his requests for reimbursement of medical procedures were not handled in a timely manner but this matter is not the subject of the present appeal.

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 30, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 20, 2012  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board