

delivering mail. Appellant also noted that he jammed his neck during this incident. He stopped work on May 5, 2016. Appellant received treatment on the evening of May 5, 2016 at a health clinic, from Dr. Kimberly Abel, an emergency medicine specialist. Dr. Abel diagnosed concussion and cervical sprain.

In a form report dated May 10, 2016, Dr. Hetzal Hartley, Board-certified in occupational medicine, diagnosed cervical strain and indicated that appellant could work full duty as of May 10, 2016. He also completed a duty status report (Form CA-17) dated May 10, 2016 diagnosing acute cervical strain and indicating that appellant could work regular full-time duties. In an attending physician's report (Form CA-20) dated May 11, 2016, Dr. Hartley diagnosed acute cervical strain and closed-head injury. He checked a box marked "yes" that the conditions were employment related, and indicated that appellant could resume regular work.

In a June 3, 2016 letter, the employing establishment indicated that appellant was initially hired on April 16, 2016. Following the May 5, 2016 injury, appellant was paid continuation of pay benefits and was subsequently released to full duty on May 10, 2016. The employing establishment also related that appellant's supervisor had ordered him to report to work on May 20, 2016. According to the employing establishment, appellant did not report for work and his employment was terminated effective May 25, 2016. It was also noted that appellant had submitted medical evidence on June 1, 2016 regarding a 10-pound lifting restriction, and work could have been provided within that restriction.

OWCP accepted the claim on June 1, 2016 for cervical strain of the muscle, fascia, and tendon. On June 3, 2016 appellant submitted a claim for compensation (Form CA-7) for the period May 5 to June 6, 2016.

In a form report dated June 1, 2016, Dr. Hartley indicated that appellant could work modified duties from June 1 to 6, 2016, and he could work regular duty as of June 6, 2016. In an undated report received by OWCP on June 3, 2016, he wrote that on May 10, 2016 appellant had informed him that his employment was terminated. Dr. Hartley noted that, because of this information, he had reported that appellant could return to full duty. He wrote that if appellant could have returned to work his lifting restriction would have been 10 pounds due to the accepted cervical strain.

By letter dated July 22, 2016, OWCP noted that Dr. Hartley had released appellant to full duty on May 10, 2016 in his Form CA-20 report. It requested that appellant submit additional medical evidence within 30 days. On July 28, 2016 appellant resubmitted the undated report from Dr. Hartley. He also submitted a report dated June 17, 2016 from Dr. Hartley, which provided examination findings and diagnosed acute cervical strain. Dr. Hartley indicated that appellant reported his neck was feeling better.

By decision dated October 5, 2016, OWCP denied the claim for disability from May 5 to June 6, 2016. It found that the medical evidence of record was insufficient to establish the claimed period of disability.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.³ 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.⁴

Whether a particular injury causes an employee to be disabled from work and the duration of that disability are medical issues which must be proved by a preponderance of the reliable, probative, and substantial medical evidence.⁵ Findings on examination are generally needed to support a physician's opinion that an employee is disabled for work.⁶ 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 employees to self-certify their disability and entitlement to compensation.⁷ To establish causal relationship between the disability claimed and the employment injury, an employee must submit rationalized medical evidence, based on a complete factual and medical background, supporting such a causal relationship.⁸

ANALYSIS

OWCP accepted that appellant sustained a cervical strain on May 5, 2016 while in the performance of duty. Appellant filed a Form CA-7 claim for compensation for disability from work during the period May 5 to June 6, 2016. To establish disability, he must submit rationalized medical evidence supporting causal relationship.⁹

The record indicates that appellant was seen on May 10, 2016 by Dr. Hartley. Dr. Hartley submitted three form reports dated May 10, 2016, each indicating that appellant could work full duty. He did not discuss whether appellant was disabled during the claim period. The Board will not require OWCP to pay compensation for disability in the absence of any

² 5 U.S.C. §§ 8101-8193.

³ *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ 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).

⁵ *See Fereidoon Kharabi*, 52 ECAB 291 (2001).

⁶ *Id.*

⁷ *Id.*

⁸ *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

⁹ *See B.S.*, Docket No. 16-1121 (issued September 16, 2016).

medical evidence directly addressing the specific dates of disability for which compensation is claimed.¹⁰

In a brief undated report initially submitted on June 3, 2016, Dr. Hartley wrote that he had released appellant to full duty because appellant had told him his employment had been terminated. He then reported that appellant continued to have a 10-pound lifting restriction. This report is not sufficient to establish an employment-related disability from May 5 to June 6, 2016 as Dr. Hartley did not discuss the May 5, 2016 employment injury, the physical examination, or diagnostic test findings.¹¹ Moreover, Dr. Hartley did not provide a reasoned medical opinion explaining that appellant was disabled from performing his carrier position duties due to the May 5, 2016 employment injury, or the duration of any disability. A physician must clearly identify the specific dates of disability and provide an explanation of how the accepted condition contributed to disability for work.¹²

It is appellant's burden of proof to establish the claimed period of disability.¹³ For the reasons discussed above, the Board finds that appellant has not met his burden of proof in this case.

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 established that he was disabled from work during the period May 5 to June 6, 2016 due to his accepted May 5, 2016 employment injury.

¹⁰ *N.G.*, Docket No. 16-1421 (issued December 12, 2016).

¹¹ A probative medical report includes findings on examination, a firm diagnosis, and medical rationale supporting the opinion offered. *See K.W.*, Docket No. 16-1176 (issued November 2, 2016).

¹² *See R.P.*, Docket No. 12-1455 (issued January 10, 2013).

¹³ *Supra* note 8.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 5, 2016 is affirmed.

Issued: May 17, 2017
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board