

ISSUE

The issue is whether appellant has met her burden of proof to establish disability for intermittent periods between June 8, 2017 and March 2, 2018 and for the period March 16 to June 8, 2018 causally related to her accepted employment injuries.

FACTUAL HISTORY

On April 25, 2016 appellant, then a 55-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she sustained injuries to her upper extremities due to factors of her federal employment. She asserted that, for the past nine and a half years, she had delivered mail five days per week, eight hours per day. Appellant noted that she first became aware of her claimed condition on January 25, 2016 and first realized its relation to her employment on April 11, 2016. She initially stopped work on June 8, 2017.

By decision dated April 25, 2018, OWCP accepted appellant's claim for the conditions of bilateral carpal tunnel syndrome and bilateral primary osteoarthritis of the first carpometacarpal joints of the hands.

On May 2, 2018 appellant filed a claim for compensation (Form CA-7) claiming wage-loss compensation for intermittent periods of work stoppage between June 8, 2017 and March 2, 2018 and for total work stoppage during the period March 16 to April 27, 2018. She later filed forms claiming wage-loss compensation for total work stoppage for the period April 28 to August 3, 2018.

Appellant submitted a September 10, 2018 report from Dr. Pam K. Janda, a Board-certified internist, who provided an opinion that appellant had disability from June 9 to September 26, 2018 due to her bilateral carpal tunnel syndrome.

By decision dated September 24, 2018, OWCP accepted appellant's wage-loss compensation claim for the period June 9 to August 3, 2018 based on Dr. Janda's September 10, 2018 report. However, it denied her claim for intermittent periods between June 8, 2017 and March 2, 2018 and for the period March 16 to June 8, 2018 as she had not submitted medical evidence sufficient to establish causal relationship between these periods of disability and her accepted employment injuries.

On October 1, 2018 appellant, through counsel, requested a telephonic hearing with a representative of OWCP's Branch of Hearings and Review. During the January 22, 2019 hearing, she testified that she intermittently stopped work between June 8, 2017 and March 2, 2018 and totally stopped work from March 16 to June 8, 2018 due to severe pain in her hands.

After the hearing, appellant submitted January 7, 8, and 22, 2019 progress reports and authorization forms completed by Simranjit Kaur, a nurse practitioner, and an undated and unsigned State of California treating physician report, which contained the diagnosis of bilateral carpal tunnel syndrome.

By decision dated March 8, 2019, OWCP's hearing representative affirmed OWCP's September 24, 2018 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her 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 limitation period of FECA, that an injury was sustained in the performance of duty, as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁴

In general, the term “disability” under FECA means incapacity because of injury in employment to earn the wages, which the employee was receiving at the time of such injury.⁵ This meaning, for brevity, is expressed as disability from work.⁶

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 the claimant.⁷

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability for intermittent periods between June 8, 2017 and March 2, 2018 and for the period March 16 to June 8, 2018 causally related to her accepted employment injuries.

In a December 13, 2017 report, Dr. Galli opined that appellant’s upper extremity conditions were related to employment factors. However, he did not provide an opinion on appellant’s disability from work. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee’s disability is of no probative value on the issue of causal relationship.⁸ Therefore, Dr. Galli’s report is insufficient to establish appellant’s claim.

Appellant submitted January 7, 8, and 22, 2019 progress reports and authorization forms completed by Mr. Kaur, a nurse practitioner. However, these documents are of no probative value

⁴ *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009).

⁵ *See* 20 C.F.R. § 10.5(f).

⁶ *See S.W.*, *supra* note 4. *See also A.M.*, Docket No. 09-1895 (issued April 23, 2010); *Roberta L. Kaamoana*, 54 ECAB 150 (2002).

⁷ *E.J.*, Docket No. 09-1481 (issued February 19, 2010).

⁸ *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

on the underlying issue of this case because nurse practitioners are not considered physicians as defined under FECA and their reports are not considered to be probative medical evidence.⁹

As the record does not contain a rationalized medical opinion relating appellant's disability during the claimed periods of disability to her accepted employment injuries, the Board finds that appellant has not met her burden of proof.

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 disability for intermittent periods between June 8, 2017 and March 2, 2018 and for the period March 16 to June 8, 2018 causally related to her accepted employment injuries.

⁹ *Id.* See *M.C.*, Docket No. 16-1238 (issued January 26, 2017). Appellant also submitted an undated and unsigned State of California treating physician report, but the Board has held that unsigned reports cannot be considered probative medical evidence because they lack proper identification. See *R.C.*, Docket No. 18-1639 (issued February 26, 2019).

ORDER

IT IS HEREBY ORDERED THAT the March 8, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 17, 2019
Washington, DC

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

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

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