



## ISSUE

The issue is whether appellant has met his burden of proof to establish total disability from work for the period February 18 to March 1, 2019 causally related to the accepted employment injury.

## FACTUAL HISTORY

On December 23, 2014 appellant, then a 52-year-old sales retention center agent, filed an occupational disease claim (Form CA-2) alleging that he developed trigger finger of the right middle and little finger as a result of repetitive work factors of continuous keyboarding, using a mouse, and writing. He indicated that he initially became aware of his condition and its relationship to his federal employment on December 8, 2014. Appellant stopped work on December 24, 2014. OWCP adjudicated this claim under File No. xxxxxx890, and on February 6, 2015 accepted bilateral carpal tunnel syndrome (CTS) and bilateral second and third digit trigger finger.

Appellant has three prior claims that were accepted by OWCP and administratively combined with the current claim, which OWCP designated as the master file.

Appellant has three other claims accepted for injuries to his upper extremities. Under OWCP File No. xxxxxx367, OWCP accepted appellant's traumatic injury claim (Form CA-1) for a May 6, 2005 left wrist strain. Under File No. xxxxxx204, it accepted appellant's November 30, 2007 occupational disease claim for right CTS. Appellant had a right carpal tunnel release on April 24, 2008. Under File No. xxxxxx714, OWCP accepted appellant's November 28, 2008 occupational disease claim for left CTS and left trigger finger. Appellant underwent left carpal tunnel release surgery on April 20, 2009.

On March 6, 2019 appellant filed a claim for compensation (Form CA-7) for disability from work during the period February 18 through March 1, 2019. On a time analysis form (Form CA-7a), appellant claimed that he used 72 hours of leave without pay (LWOP) for disability from work for the period February 18 through March 1, 2019. An employing establishment human resource specialist noted on the form that appellant had not worked since December 22, 2014.

In support of his claim, he submitted a February 20, 2019 declaration of disability form in which Dr. Vincent Baldwin, Board-certified in family medicine, diagnosed bilateral CTS, bilateral trigger finger, bilateral wrist tendinitis, anxiety and depression. Dr. Baldwin advised that appellant was totally disabled from work from January 1 to April 30, 2019.

By development letter dated March 12, 2019, OWCP informed appellant of the type of factual and medical evidence needed to support his claim for compensation commencing February 18, 2019. It afforded him 30 days to submit the requested information.

OWCP subsequently received a narrative report dated January 15, 2019, wherein Dr. Baldwin indicated that appellant had been totally disabled since December 2014 and noted current complaints of severe bilateral wrist pain with numbness in his second and third digits of both hands and decreased hand strength. Dr. Baldwin related that appellant's repetitive job duties

as both a clerk and a sales retention agent caused multiple progressive work-related injuries involving his shoulders, neck, wrists, elbows, hands, and fingers and these contributed to chronic pain syndrome, anxiety, and depression. He wrote that holding a pencil or pen, using a mouse, or holding a telephone led to increased pain. Dr. Baldwin described examination findings of decreased cervical range of motion with muscle spasms and tenderness, and a positive Tinel's over both wrists and the right elbow. He maintained that appellant's chronic pain syndrome with its pain and dysfunction made it impossible for him to complete his work duties and led to anxiety and depression. Dr. Baldwin diagnosed chronic pain syndrome, tendinitis of both wrists, bilateral CTS with surgery, trigger finger of third and fifth digit, repetitive strain injury/cumulative trauma disorder, anxiety, and depression. He noted that all appellant's work required repetitive activities and advised that he could not return to any type of work since all would require a significant amount of repetitive activity. Dr. Baldwin indicated that any attempt to work caused increased pain and dysfunction. He recommended magnetic resonance imaging (MRI) scans of both wrists, acupuncture, medication, massage therapy, meditation CDs, and home exercise.

By decision dated April 24, 2019, OWCP denied appellant's claim for wage-loss compensation for the period February 18 through March 1, 2019. It found that the medical evidence of record did not establish that he was totally disabled from work during the claimed period as a result of his accepted conditions.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>3</sup> has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence, 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 medical condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup> These are the essential elements of every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

Under FECA the term "disability" means the incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury.<sup>6</sup> Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages. An employee who has a physical impairment causally related to a federal employment

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *A.B.*, Docket No. 18-0834 (issued June 11, 2020); *N.S.*, 59 ECAB 422 (2008).

<sup>5</sup> *Id.*

<sup>6</sup> 20 C.F.R. § 10.5(f); *see J.M.*, Docket No. 18-0763 (issued April 29, 2020); *B.K.*, Docket No. 18-0386 (issued September 14, 2018).

injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.<sup>7</sup>

For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work as a result of the accepted employment injury.<sup>8</sup> Whether a particular injury causes an employee to become disabled from work, and the duration of that disability, are medical issues that must be proven by a preponderance of reliable, probative and substantial medical opinion evidence.<sup>9</sup>

The Board will not require OWCP to pay compensation for disability in the absence of medical evidence directly addressing the specific dates of disability for which compensation is claimed. To do so, would essentially allow an employee to self-certify their disability and entitlement to compensation.<sup>10</sup>

### ANALYSIS

The Board finds that appellant has not met his burden of proof to establish total disability for the period February 18 through March 1, 2019.

The medical evidence relevant to the claimed period of disability includes Dr. Baldwin's January 15, 2019 report in which he indicated that appellant had been disabled since December 2014. Dr. Baldwin attributed appellant's disability to multiple progressive employment injuries involving his shoulders, neck, wrists, elbows, hands, and fingers, and opined that these contributed to appellant's chronic pain syndrome, anxiety, and depression. He advised that the chronic pain syndrome and dysfunction made it impossible for appellant to complete his work duties and activities. Dr. Baldwin diagnosed chronic pain syndrome, tendinitis of both wrists, bilateral CTS and surgery, trigger finger third and fifth digit, anxiety, and depression. However, he did not provide a pathophysiological explanation as to how appellant's modified job duties as a sales retention center agent worsened the accepted conditions such that he could no longer work or how they caused chronic pain syndrome, anxiety, and depression.<sup>11</sup> OWCP has not accepted chronic pain syndrome, anxiety, and depression. For conditions not accepted by OWCP as being employment related, it is the employee's burden to provide rationalized medical evidence sufficient to establish causal relation, not OWCP's burden to disprove such relationship.<sup>12</sup> Appellant has not met his burden of proof to establish additional conditions as work related. Furthermore, Dr. Baldwin did not explain with sufficient rationale how appellant's inability to

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<sup>7</sup> See *B.C.*, Docket No. 18-0692 (issued June 5, 2020).

<sup>8</sup> See *C.E.*, Docket No. 19-1617 (issued June 3, 2020).

<sup>9</sup> 20 C.F.R. § 10.5(f); see *W.C.*, Docket No. 19-1740 (issued June 4, 2020); *Fereidoon Kharabi*, 52 ECAB 291 (2001).

<sup>10</sup> *J.K.*, Docket No. 19-0488 (issued June 5, 2020); *Sandra D. Pruitt*, 57 ECAB 126 (2005).

<sup>11</sup> See *P.L.*, Docket No. 19-1750 (issued March 26, 2020).

<sup>12</sup> *E.R.*, Docket No. 19-0889 (issued February 3, 2020); *Alice J. Tysinger*, 51 ECAB 638 (2000).

work was due to his accepted December 8, 2014 conditions. Moreover, a medical opinion is of limited value if it is conclusory in nature.<sup>13</sup> This report is therefore of limited probative value and insufficient to establish the claimed period of disability.<sup>14</sup>

In the disability declaration form dated February 20, 2019, Dr. Baldwin merely noted diagnoses of bilateral carpal tunnel syndrome, bilateral trigger finger, bilateral wrist tendinitis, anxiety and depression and indicated that appellant was totally disabled from January 1 to April 30, 2019. This report, without further explanation of how the accepted conditions caused the claimed disability, is insufficient to establish the claimed period of disability.<sup>15</sup>

As the medical evidence of record does not contain a rationalized medical opinion, which based on objective medical findings, related that appellant was disabled from work due to his accepted employment conditions, the Board finds that he has not met his burden of proof to establish disability for the period February 18 through March 1, 2019.<sup>16</sup>

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 and 20 C.F.R. §§ 10.605 through 10.607.

### **CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish total disability for the period February 18 through March 1, 2019 causally related to the accepted employment injury.

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<sup>13</sup> *R.S.*, Docket No. 19-1774 (issued April 3, 2020).

<sup>14</sup> *T.H.*, Docket No. 19-0436 (issued August 13, 2019); *C.B.*, Docket No. 18-0040 (issued May 7, 2019).

<sup>15</sup> *Id.*

<sup>16</sup> *See K.A.*, Docket No. 19-1564 (issued June 3, 2020).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 24, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 16, 2020  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

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