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

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| **G.C., Appellant** | ) | |
| **and** | ) | **Docket Nos. 22-0073 & 22-0543** |
| **U.S. POSTAL SERVICE, POST OFFICE, Staten Island, NY, Employer** | ) | **Issued: January 5, 2023** |

*Appearances:*
*Thomas S. Harkins, Esq.*, for the appellant[1]
*Office of Solicitor*, for the Director

*Case Submitted on the Record*

## DECISION AND ORDER

Before:
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

### *JURISDICTION*

On August 23, 2021 appellant, through counsel, filed a timely appeal from a March 9, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0073. On March 1, 2022 appellant, through counsel, filed a timely appeal from a September 23, 2021 merit decision of OWCP. The Clerk of the Appellate Boards assigned Docket No. 22-0543. Pursuant to the Federal Employees' Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of these cases.

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] 5 U.S.C. § 8101 *et seq.*

## ***ISSUES***

The issues are: (1) whether appellant met her burden of proof to establish disability from work for the period February 17, 2019 through July 31, 2020 causally related to her accepted December 19, 2018 employment injury; and (2) whether OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective September 23, 2021, as she no longer had disability or residuals causally related to her accepted December 19, 2018 employment injury.

## ***FACTUAL HISTORY***

This case has previously been before the Board on a different issue.[3] The facts and circumstances of the case as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On December 19, 2018 appellant, then a 39-year-old customer service supervisor, filed a traumatic injury claim (Form CA-1) alleging that, on that date, she sustained injury when, in an attempt to separate two clerks during a physical altercation, she was punched on the top of her head and on her left ear while in the performance of duty. She stopped work on December 19, 2018.[4] On the reverse side of the claim form, appellant's supervisor acknowledged that appellant was in the performance of duty at the time of the claimed injury.

In a January 21, 2019 report, Dr. Steven Lin, an osteopath and Board-certified neurologist, discussed the December 19, 2018 employment incident and appellant's reported symptoms. He opined that she had postconcussion syndrome and possibly post-traumatic syndrome. In a January 22, 2019 note, Dr. Lin advised that appellant had been seen on the previous day for a December 19, 2018 work injury and was unable to return to work until the next evaluation on March 4, 2019.

In an attending physician's report, Part B of an authorization for examination and/or treatment (Form CA-16), completed on January 22, 2019 a physician assistant with an illegible signature indicated that appellant was assaulted by a coworker on the job and diagnosed postconcussion syndrome and cervical spasm/pain.[5]

In an attending physician's report, Part B of a Form CA-16, completed on February 12, 2019, Dr. Lin diagnosed postconcussion syndrome, which he indicated was caused when appellant

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[3] Docket No. 21-0527 (issued September 20, 2021).

[4] Appellant retired from the employing establishment in August 2020.

[5] A properly completed Form CA-16 form authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. The period for which treatment is authorized by a Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by OWCP. 20 C.F.R. § 10.300(c); *P.R.*, Docket No. 18-0737 (issued November 2, 2018); *N.M.*, Docket No. 17-1655 (issued January 24, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).

was struck in the head at work on December 19, 2018. He advised that she was totally disabled from December 20, 2019 until her pending evaluation on March 4, 2019.

By decision dated February 15, 2019, OWCP accepted the occurrence of the December 19, 2018 employment incident, but found that appellant failed to establish a medical condition causally related to that incident. It concluded therefore that the requirements had not been met to establish an injury.

In March 4 and April 15, 2019 reports, Dr. Lin discussed the diagnostic test results of record and advised that appellant had postconcussion syndrome. In his March 4, 2019 report, he opined that she also possibly had "post[-]traumatic syndrome." On May 1, 2019 Dr. Lin indicated that appellant's condition had not changed since her last visit in that she still reported having anxiety, depression, persistent headaches, dizziness, sleep problems, and cognitive dysfunction, including attention and memory deficits. He noted that a magnetic resonance imaging (MRI) scan of her brain did not show any significant pathology, and an MRI scan of her cervical spine revealed three levels of disc bulge and osteophytic processes, which were seen on the previous MRI scan. Dr. Lin opined that the annular bulging seen on the current MRI scan could be from a new accident. He diagnosed postconcussion syndrome and cervical radiculopathy and indicated that appellant was totally disabled from work.

Appellant also submitted a March 4, 2019 report in which Otabek Pulatov, a physician assistant, discussed her medical condition. She also submitted April 4 and June 5, 2019 reports from other physician assistants, Michelle Twito and Madeline Buchanan, respectively.

By decision dated July 11 2019, OWCP denied modification of the February 15, 2019 decision.

On June 23, 2020 appellant, through counsel, requested reconsideration of the July 11, 2019 decision.

Appellant submitted a December 13, 2019 report from Dr. Lin who indicated that he first saw her on January 21, 2019 following a December 19, 2018 employment incident where she was injured trying to break up a fight between coworkers. She reported that she was struck on the left ear, without loss of consciousness, and developed symptoms of persistent headache, dizziness, neck pain shooting down her arms, trouble sleeping and concentrating, and worsening depression and anxiety. Dr. Lin advised that a January 11, 2019 MRI scan of the brain did not show "any acute pathology related to the [December 19, 2018] injury" and therefore appellant's symptoms were attributed to postconcussion syndrome. He indicated that it was suspected that she had post-traumatic stress disorder (PTSD) as she reported frequent nightmares and a fear of returning to work. Dr. Lin maintained that appellant's complaints of neck pain shooting down her arms were suggestive of cervical radiculopathy and advised that she had signs of myelopathy on examination days. He discussed her use of medication and noted, "[b]ecause of the severity of [appellant's] symptoms, she was deemed to have temporary total disability and was advised to stay out of work until her symptoms improve." Dr. Lin indicated that, upon increased use of medications, appellant had some clinical improvement of her postconcussion syndrome, with respect to dizziness and headache frequency and severity, but her neck pain and stiffness did not respond to the medications. He opined that it was within a reasonable degree of medical certainty

that her postconcussion syndrome and cervical radiculopathy were causally related to the "work-related injury that occurred on [December 19, 2018]."

Appellant also submitted August 15 and September 12, 2019 reports from Ms. Twito.

By decision dated September 9, 2020, OWCP vacated the July 11, 2019 decision, in part, by accepting that appellant sustained postconcussion syndrome causally related to the accepted December 19, 2018 employment incident. It also affirmed its July 11, 2019 decision, in part, by denying her claim for cervical radiculopathy causally related to the accepted December 19, 2018 employment injury.[6]

On September 24 and October 28, 2020 a nurse participating in an OWCP-sponsored program requested that Dr. Lin complete a work capacity evaluation (Form OWCP-5c) regarding appellant's medical condition. Dr. Lin did not respond to the request.

On January 19, 2021 appellant filed a claim for compensation (Form CA-7) for disability from work for the period February 17, 2019 through July 31, 2020 causally related to her accepted December 19, 2018 employment injury. She subsequently submitted a January 28, 2021 report from Ms. Twito.

On February 24, 2021 OWCP referred appellant for a second opinion examination and evaluation with Dr. Tatyana Marx, a Board-certified neurologist. It requested that Dr. Marx provide an opinion regarding whether appellant continued to have disability or residuals causally related to her accepted December 19, 2018 employment injury.

By decision dated March 9, 2021, OWCP denied appellant's claim for disability from work for the period February 17, 2019 through July 31, 2020, finding that she failed to submit medical evidence establishing disability for this period causally related to the December 19, 2018 employment injury.

In a March 16, 2021 report, Dr. Marx detailed appellant's factual and medical history, including a description of the December 19, 2018 employment injury when appellant was hit on the head while breaking up a fight between coworkers. She indicated that appellant presently complained of headaches, neck pain that radiated into the right shoulder/upper back, numbness in both arms, low back pain radiating into both legs, and numbness in both legs. Dr. Marx reported the findings of the physical examination, noting that appellant was able to follow commands, spell, and calculate, and that the cranial nerve evaluation was normal except for reportedly decreased sensation over the right side of the face. Appellant exhibited normal tone and bulk of the muscles throughout, exhibited inconsistent effort upon strength testing of the arms and legs, and reported decreased sensation in the right hand and foot to light touch and prick. Dr. Marx diagnosed "minor head trauma" with no evidence of residual deficits and resolved cervical sprain. In the discussion portion of the report, she indicated that appellant "reportedly suffered" from an injury while at work on December 19, 2018 and had stated that she had suffered a head injury with near loss of consciousness. Dr. Marx noted, however, that appellant was able to describe all details of the

[6] On September 18, 2020 OWCP retroactively paid appellant wage-loss compensation for disability on the supplemental rolls from February 3 through 15, 2019.

incident without any evidence of memory impairment and that, at the time of arrival to the emergency room, she denied losing consciousness or having neck or low back pain. She noted that, "[t]here was no evidence of significant head injury. Considering lack of alteration of consciousness and preserved memory, there is no evidence of concussion."

In a portion of the analysis section entitled "questions," Dr. Marx indicated that appellant claimed to have sustained injury to her head, neck, and low back. She noted that, at the time of her arrival to the emergency department, appellant denied having loss of consciousness, neck pain, or back pain, and did not even report having sustained any type of injury to her neck or low back. Dr. Marx advised that the objective examination did not demonstrate any abnormalities. She indicated that an MRI scan of appellant's brain was unremarkable and that a preinjury MRI scan of her cervical spine showed spondylosis and bulging discs. Dr. Marx indicated, "[t]herefore, in my opinion, there was no objective confirmation in her clinical presentation to confirm these diagnoses." In another portion of the discussion section of her report, she opined that there was no objective evidence of any neurological limitations which would prevent appellant from returning to her regular work with no restrictions and noted, "[i]n my opinion, there was no objective evidence of any permanent neurological impairment which could have occurred as a result of alleged injury of December 19, 2018." Dr. Marx further indicated:

> "In my opinion, from neurological standpoint, [appellant] has reached maximum medical improvement in relation to [the] alleged injury of [December 19, 2018]. At the present time, there is no evidence of any residual effects of [the] reported injury of [December 19, 2018]. In my opinion, reported work-related injuries are resolved.
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> "In my opinion, [appellant] does not have any limitations from neurological standpoint as result of [the] alleged injury of [December 19, 2018].... In my opinion, ongoing complaints, extent of degenerative spine disease and necessity for invasive procedures are not causally related to an alleged injury of [December 19, 2018]."[7]

On June 9, 2021 OWCP proposed to terminate appellant's wage-loss compensation and medical benefits because she no longer had disability or residuals causally related to her accepted December 19, 2018 employment injury. It found that the weight of the medical opinion evidence regarding continuing work-related disability and residuals rested with the opinion of Dr. Marx, the second opinion physician. OWCP afforded appellant 30 days to respond. Appellant did not submit any evidence or argument in response.[8]

By decision dated September 23, 2021, OWCP finalized the termination of appellant's wage-loss compensation and medical benefits, effective September 23, 2021, as she no longer had

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[7] In a Form OWCP-5c dated March 18, 2021, Dr. Marx indicated that appellant could perform her usual job with no restrictions.

[8] Appellant appealed OWCP's September 9, 2020 decision finding that she failed to establish a work-related cervical condition causally related to the accepted December 19, 2018 employment injury. By decision dated September 20, 2021, the Board affirmed the September 9, 2020 decision. *Supra* note 3.

disability or residuals causally related to her accepted December 19, 2018 employment injury. It found that the weight of the medical opinion evidence regarding continuing work-related disability and residuals rested with the opinion of Dr. Marx.

## ***LEGAL PRECEDENT -- ISSUE 1***

An employee seeking benefits under FECA 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.[9] 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.[10] 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 probative and reliable medical opinion evidence.[11]

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.[12] Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.[13] An employee who has a physical impairment causally related to a federal employment 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.[14] When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.[15]

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 claimed disability and the accepted employment injury.[16]

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[9] *See D.S.*, Docket No. 20-0638 (issued November 17, 2020); *F.H.*, Docket No. 18-0160 (issued August 23, 2019); *C.R.*, Docket No. 18-1805 (issued May 10, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[10] *See L.F.*, Docket No. 19-0324 (issued January 2, 2020); *T.L.*, Docket No. 18-0934 (issued May 8, 2019); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

[11] *See* 20 C.F.R. § 10.5(f); *N.M.*, Docket No. 18-0939 (issued December 6, 2018).

[12] *Id*. at § 10.5(f).

[13] *See L.W.*, Docket No. 17-1685 (issued October 9, 2018).

[14] *See K.H.*, Docket No. 19-1635 (issued March 5, 2020).

[15] *See D.R.*, Docket No. 18-0323 (issued October 2, 2018).

[16] *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

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 his or her disability and entitlement to compensation.[17]

## ***ANALYSIS -- ISSUE 1***

The Board finds that appellant has not met her burden of proof to establish disability from work for the period February 17, 2019 through July 31, 2020 causally related to her accepted December 19, 2018 employment injury.

Appellant submitted a December 13, 2019 report from Dr. Lin who indicated that he first treated her on January 21, 2019 following a December 19, 2018 work-related accident where she was injured trying to break up a fight between coworkers. Dr. Lin discussed her head and neck symptoms, detailed her use of medication, and noted, "[b]ecause of the severity of [appellant's] symptoms, she was deemed to have temporary total disability and was advised to stay out of work until her symptoms improve." He indicated that, upon increased use of medications, appellant had some clinical improvement of her postconcussion syndrome, with respect to dizziness and headache frequency and severity, but her neck pain and stiffness did not respond to the medications. Dr. Lin opined that it was within a reasonable degree of medical certainty that her postconcussion syndrome and cervical radiculopathy were causally related to the "work-related injury that occurred on [December 19, 2018]."

Although Dr. Lin suggested in his December 13, 2019 report that appellant had periods of disability related, in part, to her accepted December 19, 2018 employment injury, his report is of limited probative value regarding her disability claim because he did not identify specific periods of disability and provide a rationalized medical opinion relating her claimed disability from February 17, 2019 through July 31, 2020 to the accepted postconcussion syndrome condition. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/level of disability has an employment-related cause.[18] Therefore, Dr. Lin's December 13, 2019 report is insufficient to establish appellant's disability claim.

In a January 22, 2019 report, Dr. Lin noted that appellant had been seen on the previous day for a December 19, 2018 work injury and was unable to return to work until the next evaluation on March 4, 2019. In a February 12, 2019 report, he diagnosed postconcussion syndrome, which he indicated was caused by her having been struck in the head on December 19, 2018. Dr. Lin advised that appellant was totally disabled from December 20, 2019 until her pending evaluation on March 4, 2019. In March 4 and April 15, 2019 reports, he discussed the diagnostic test results of record and advised that she had postconcussion syndrome. In a May 1, 2019 report, Dr. Lin diagnosed postconcussion syndrome and cervical radiculopathy, and indicated that appellant was totally disabled from work. Although he discussed her disability and mentioned the December 19, 2018 employment injury in some of these reports, he did not provide an opinion that the identified

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[17] *J.B.*, Docket No. 19-0715 (issued September 12, 2019); *Fereidoon Kharabi*, 52 ECAB 291 (2001).

[18] *See T.T.*, Docket No. 18-1054 (issued April 8, 2020); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

periods of disability were causally related to that work-related injury. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.[19] Therefore, these reports of Dr. Lin are insufficient to establish appellant's disability claim.

Appellant submitted reports of physician assistants dated January 22, March 4, April 4, June 5, August 15, and September 21, 2019 and January 28, 2021. The Board has held, however, that health care providers such as nurses, physician assistants, physical therapists are not considered physicians as defined under FECA and their reports do not constitute competent medical evidence.[20] Therefore, these reports are of no probative value and are insufficient to meet appellant's burden of proof.

As appellant has not submitted rationalized medical evidence establishing causal relationship between her claimed period of disability and the accepted December 19, 2018 employment injury, the Board finds that she has not met her burden of proof to establish her claim.

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.

## ***LEGAL PRECEDENT -- ISSUE 2***

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of an employee's benefits.[21] After it has determined that, an employee has disability causally related to his or her federal employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.[22] Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.[23] The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability

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

[20] Section 8102(2) of FECA provides as follows: (2) physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8102(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (January 2013); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA); *see also S.S.*, Docket No. 21-1140 (issued June 29, 2022) (physician assistants are not considered physicians under FECA and are not competent to provide medical opinions); *George H. Clark*, 6 ECAB 162 (2004) (physician assistants are not considered physicians under FECA).

[21] *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

[22] *See R.P.*, Docket No. 17-1133 (issued January 18, 2018); *Jason C. Armstrong*, 40 ECAB 907 (1989); *Charles E. Minnis*, 40 ECAB 708 (1989); *Vivien L. Minor*, 37 ECAB 541 (1986).

[23] *M.C.*, Docket No. 18-1374 (issued April 23, 2019); *Del K. Rykert*, 40 ECAB 284, 295-96 (1988).

compensation.[24] To terminate authorization for medical treatment, OWCP must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.[25]

## ***ANALYSIS -- ISSUE 2***

The Board finds that OWCP has not met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective September 23, 2021.

OWCP based its termination action on the March 16, 2021 report of Dr. Marx, a second opinion physician. In her March 16, 2021 report, Dr. Marx reported physical examination findings and diagnosed "minor head trauma" with no evidence of residual deficits, and resolved cervical sprain. In the discussion portion of her report, she indicated that appellant "reportedly suffered" from an injury while at work on December 19, 2018 and had stated that appellant had suffered a head injury with near loss of consciousness. Dr. Marx noted, however, that appellant was able to describe all details of the incident without any evidence of memory impairment and that, at the time of appellant's arrival to the emergency room, she denied losing consciousness or having neck or low back pain. She indicated that, "[t]here was no evidence of significant head injury. Considering lack of alteration of consciousness and preserved memory, there is no evidence of concussion."

The Federal (FECA) Procedure Manual provides that an OWCP referral physician's findings, be it a second opinion or impartial medical evaluation, must be based on the factual underpinnings of the claim, as set forth in the statement of accepted facts (SOAF).[26] When the second opinion physician or impartial medical specialist renders a medical opinion based on a SOAF which is incomplete or inaccurate, or does not use the SOAF as the framework in forming his or her opinion, the probative value of the opinion is seriously diminished or negated altogether.[27]

The Board finds that the March 16, 2021 report of Dr. Marx, the second opinion physician, is not sufficiently well rationalized to serve as a basis for terminating appellant's wage-loss compensation and medical benefits, effective September 23, 2021. Contrary to the SOAF, Dr. Marx provided an opinion in her March 16, 2021 report that she did not believe that appellant sustained postconcussion syndrome due to a December 19, 2018 employment injury. Throughout her March 16, 2021 report, she referred to the accepted December 19, 2018 employment injury as being an "alleged" injury or "reported" injury. In the present case, OWCP erred in relying on a report from a physician who disregarded an accepted condition listed in the SOAF when providing

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[24] *A.G.*, Docket No. 19-0220 (issued August 1, 2019); *A.P.*, Docket No. 08-1822 (issued August 5, 2009); *T.P.*, 58 ECAB 524 (2007); *Kathryn E. Demarsh*, 56 ECAB 677 (2005). *Furman G. Peake*, 41 ECAB 361, 364 (1990).

[25] *See A.G.*, *id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford*, 53 ECAB 727 (2002).

[26] *Supra* note 20 at Chapter 2.809.2 (September 2009). *See also D.F.*, Docket No. 20-0690 (issued June 2, 2022).

[27] *Id.* at Chapter 3.600.3a(10) (October 1990). *See also J.R.*, Docket No. 19-1321 (issued February 7, 2020); *M.D.*, Docket No. 18-0468 (issued September 4, 2018); *Paul King*, 54 ECAB 356 (2003).

an opinion regarding continuing work-related disability and residuals.[28] Because Dr. Marx's March 16, 2021 report was not based on an accurate history, her opinion was not well rationalized and is not entitled to the weight of the medical opinion evidence.[29]

For these reasons, OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective September 23, 2021.[30] It did not establish that she ceased to have disability or residuals after that date, which were related to her accepted December 19, 2018 employment injury.

## ***CONCLUSION***

The Board finds that appellant has not met her burden of proof to establish disability from work for the period February 17, 2019 through July 31, 2020 causally related to her accepted December 19, 2018 employment injury. The Board further finds that OWCP has not met its burden of proof to terminate her wage-loss compensation and medical benefits, effective September 23, 2021.

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[28] *See supra* notes 26 and 27.

[29] *Id.*

[30] *See supra* notes 21 through 23.

***ORDER***

**IT IS HEREBY ORDERED THAT** the March 9, 2021 decision of the Office of Workers' Compensation Programs is affirmed. The September 23, 2021 decision of the Office of Workers' Compensation Programs is reversed.

Issued: January 5, 2023
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board