

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

_____	)	
<b>J.C., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 23-0669</b>
	)	<b>Issued: November 20, 2023</b>
<b>U.S. POSTAL SERVICE, U.S. POSTAL INSPECTION SERVICE, Potomac, MD, Employer</b>	)	
_____	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On April 5, 2023 appellant filed a timely appeal from a March 14, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant has met her burden of proof to establish disability from work, for the period April 6, 2019 through February 1, 2020, causally related to her accepted employment injury.

---

<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

## **FACTUAL HISTORY**

This case has previously been before the Board.<sup>2</sup> The facts and circumstances as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On January 31, 2019 appellant, then a 52-year-old program specialist, filed an occupational disease claim (Form CA-2) alleging that she developed major depression due to factors of her federal employment, including work-related stress. She noted that she first became aware of her claimed condition and realized its relation to her federal employment on January 2, 2011. Appellant stopped work on December 24, 2018.

In a duty status report (Form CA-17) dated April 23, 2019, Dr. Mark J. Smith, a psychiatrist, noted examination findings of severe melancholia. He reported that appellant was unable to work.

In a report dated May 1, 2019, Dr. Peter Aron, a Board-certified psychiatrist, noted diagnoses of moderate, single episode major depression. He checked a box marked "No" indicating whether appellant was mentally fit for duty with or without work restrictions.

In reports dated June 26 and July 22, 2019, Dr. Aron indicated that he agreed with the fitness-for-duty examination completed on December 22, 2018. He noted diagnoses of major depression. Dr. Aron checked a box marked "No" indicating whether appellant was mentally fit for duty. He explained that she had improved, but still needed time to internalize her changes and gain stability.

By decision dated July 25, 2019, OWCP accepted appellant's claim for recurrent, moderate major depressive disorder.

On September 16 and 20, 2019 appellant filed claims for compensation (Form CA-7) for disability from work for the period April 6 through September 13, 2019.

In a report and Form CA-17, both dated August 28, 2019, Dr. Aron indicated that appellant was unable to work and reported that she was "psychologically disabled." He explained that she was still experiencing major depression as a result of eight years of reported occupational stress, emotional/psychological abuse, and perceived exposure to what she defined as a hostile workplace environment during her employment with the employing establishment. Dr. Aron reported that he was unable to establish an exact date for her return to work.

Appellant filed additional Form CA-7 claims for disability from work for the period September 14, 2019 through January 4, 2020.

---

<sup>2</sup> Docket No. 21-0124 (issued October 24, 2022).

In a Form CA-17 dated October 21, 2019, Dr. Smith noted clinical findings of severe melancholia. He indicated that appellant could resume work with restrictions beginning November 25, 2019.

In a Form CA-17 dated November 21, 2019, Dr. Smith noted clinical findings of severe melancholia. He checked a box marked “No” indicating that appellant could not work.

In a Form CA-17 dated January 20, 2020, Dr. Smith diagnosed severe depression. He indicated that appellant was unable to resume work.

In a note and Form CA-17 dated February 20, 2020, Dr. Smith diagnosed severe depression. He indicated that appellant was able to return to full-time work with restrictions.<sup>3</sup>

On February 1, 2023 appellant filed an additional Form CA-7 claim for disability from work for the period January 5 through February 1, 2020.

In a February 7, 2023 development letter, OWCP informed appellant of the deficiencies of her claim for wage-loss compensation beginning April 6, 2019. It advised her of the type of additional medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to provide the necessary evidence.

By decision dated March 14, 2023, OWCP denied appellant’s claim for wage-loss compensation disability from work for the period April 6, 2019 through February 1, 2020.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</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>7</sup> Whether a particular injury causes an employee to become disabled from

---

<sup>3</sup> By decision dated May 15, 2020, OWCP rescinded its acceptance of appellant’s claim for major depressive disorder. By decision dated October 24, 2022, the Board reversed the May 15, 2020 decision, finding that OWCP had not met its burden of proof to rescind its acceptance of her claim for major depressive disorder. *Id.*

<sup>4</sup> *Supra* note 1.

<sup>5</sup> *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).

<sup>6</sup> 20 C.F.R. § 10.5(f); *S.T.*, Docket No. 18-0412 (issued October 22, 2018); *Cheryl L. Decavitch*, 50 ECAB 397 (1999).

<sup>7</sup> *See T.J.*, Docket No. 20-0819 (issued June 17, 2021); *D.G.*, Docket No. 18-0597 (issued October 3, 2018).

work, and the duration of that disability, are medical issues that must be proven by a preponderance of the reliable, probative, and substantial medical evidence.<sup>8</sup>

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 specific employment factors identified by the claimant.<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 his or her disability and entitlement to compensation.<sup>10</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period April 6, 2019 through February 1, 2020, causally related to her accepted employment injury.

Appellant submitted reports and Form CA-17s dated May 1, June 26, July 22, August 28, and November 21, 2019 and January 20 and March 12, 2020 by Dr. Aron who noted diagnoses of moderate, single episode major depression. Dr. Aron checked a box marked “No” indicating that she was not mentally fit for duty. In an August 28, 2019 letter, he indicated that appellant was still experiencing major depression as a result of eight years of reported occupational stress, emotional/psychological abuse, and perceived exposure to a hostile workplace environment during her employment with the employing establishment. Dr. Aron noted that he was unable to establish an exact date for her return to work. Although he noted that appellant was unable to work during part of the claimed period of disability, he did not provide any medical rationale explaining how her accepted emotional condition prevented her from working.<sup>11</sup> Likewise, in a Form CA-17 dated April 23, 2019, Dr. Smith indicated that she was unable to work, but provided no medical rationale to support his conclusion. The Board has held that medical evidence must include rationale explaining how the physician reached the conclusion that he or she is supporting.<sup>12</sup> These reports, therefore, are of limited probative value and are insufficient to establish appellant’s disability claim.

---

<sup>8</sup> *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291-92 (2001).

<sup>9</sup> *K.H.*, Docket No. 19-1635 (issued March 5, 2020); *V.A.*, Docket No. 19-1123 (issued October 29, 2019).

<sup>10</sup> *A.R.*, Docket No. 20-0057 (issued April 7, 2021); *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 8.

<sup>11</sup> *T.G.*, Docket No. 20-0121 (issued May 17, 2022); *F.S.*, Docket No. 18-0098 (issued August 13, 2018); *P.W.*, Docket No. 17-0514 (issued June 9, 2017).

<sup>12</sup> *M.M.*, Docket No. 18-0817 (issued May 17, 2019); *Beverly A. Spencer*, 55 ECAB 501 (2004).

In a report dated February 20, 2020, and Form CA-17 reports dated October 21, 2019 and February 20, 2020, Dr. Smith noted clinical findings of severe melancholia and severe depression and indicated that appellant could resume work with restrictions beginning November 25, 2019. He did not, however, address whether she was partially disabled from work due to her accepted emotional condition. 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.<sup>13</sup>

As the medical evidence of record is insufficient to establish disability from work for the period April 6, 2019 through February 1, 2020, causally related to the accepted employment injury, 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 from work, for the period April 6, 2019 through February 1, 2020, causally related to her accepted employment injury.

---

<sup>13</sup> *R.J.*, Docket No. 19-0179 (issued May 26, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

**ORDER**

**IT IS HEREBY ORDERED THAT** the March 14, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 20, 2023  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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