

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

C.Q., Appellant

and

**DEPARTMENT OF VETERANS AFFAIRS,
CARL VINSON VETERANS'
ADMINISTRATION MEDICAL CENTER,
Dublin, GA, Employer**

)
)
)
) **Docket No. 25-0203**
) **Issued: February 7, 2025**
)
)
)
)
)

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On December 27, 2024 appellant filed a timely appeal from September 18 and December 16, 2024 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (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 10 through 21, 2024 causally related to her accepted employment injury.

FACTUAL HISTORY

On April 23, 2024 appellant, then a 47-year-old registered nurse, filed an occupational disease claim (Form CA-2) alleging that she contracted COVID-19 causally related to factors of her federal employment. She noted that she first became aware of her condition on April 10, 2024, realized its relationship to her federal employment on April 12, 2024. Appellant explained that

¹ 5 U.S.C. § 8101 *et seq.*

she had tested positive for COVID-19 on April 11, 2024. On the reverse side of the claim form, appellant's supervisor indicated that she stopped work on April 10, 2024. OWCP accepted the claim for COVID-19.

In a report of work status (Form CA-3), the employing establishment advised that appellant had returned to her usual employment without restrictions on April 24, 2024.

On June 21, 2024 appellant filed a claim for compensation (Form CA-7) for disability from work for the period April 10 through 23, 2024. In an accompanying time analysis (Form CA-7a), the employing establishment advised that appellant was off work for 64.75 hours from April 11 through 21, 2024.

In a development letter dated June 27, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of medical evidence needed and afforded her 30 days to submit the necessary evidence.

In letters dated July 18 and August 18, 2024, Dr. Shamita Williams, an employing establishment physician, Board-certified in family medicine, advised that appellant had tested positive for COVID-19 on April 10, 2024. She related that as a registered nurse appellant worked with veterans at a "high risk for illness if exposed to COVID symptoms" and that, for the safety of both the employee and the veterans, the employing establishment had a 10-day quarantine period after an employee tested positive for COVID. Dr. Williams related, "Employee Health released [appellant] to return to work on April 22, 2024 after the mandatory quarantine period. Employees with COVID are not allowed to return to work without the Employee Health's approval."

By decision dated September 18, 2024, OWCP denied appellant's claim for wage-loss compensation from April 10 through 24, 2024, finding that the medical evidence of record was insufficient to establish that she was disabled from work during the claimed period due to her accepted employment injury.

On September 21, 2024 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated December 16, 2024, OWCP's hearing representative affirmed finding that appellant failed to establish that she was medically disabled such that she was unable to perform her job duties during the claimed period.²

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim including that any disability or specific condition for which

² The hearing representative noted that a quarantine period no longer guaranteed entitlement to compensation as the American Rescue Plan Act (ARPA) of 2021 had expired. Public Law 117-2 (March 11, 2021). FECA Bulletins No. 21-09 (issued April 28, 2021) and 23-02 (issued December 15, 2022) provide a notice to quarantine is not sufficient to establish a COVID-19 diagnosis in the absence of symptoms. The issue in this case, however, is whether appellant is entitled to wage-loss compensation as a result of time lost from work as a result of her accepted employment injury.

³ *Supra* note 1.

compensation is claimed is causally related to the employment injury.⁴ 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.⁵ Whether a particular injury causes an employee to become disabled from work, and the duration of that disability are medical issues, which must be proven by a preponderance of the reliable, probative, and substantial medical evidence.⁶

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.⁷ Disability is, thus, not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.⁸ 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.⁹ 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.¹⁰

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.¹¹

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.¹²

⁴ A.R., Docket No. 20-0583 (issued May 21, 2021); S.W., Docket No. 18-1529 (issued April 19, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994).

⁵ E.B., Docket No. 22-1384 (issued January 24, 2024); C.B., Docket No. 20-0629 (issued May 26, 2021); D.S., Docket No. 20-0638 (issued November 17, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Kathryn Haggerty*, *id.*

⁶ 20 C.F.R. § 10.5(f); L.M., Docket No. 21-0063 (issued November 8, 2021); N.M., Docket No. 18-0939 (issued December 6, 2018).

⁷ *Id.* at § 10.5(f); *see R.P.*, Docket No. 25-0054 (issued December 9, 2024); J.M., Docket No. 18-0763 (issued April 29, 2020); *Bobbie F. Cowart*, 55 ECAB 746 (2004).

⁸ D.W., Docket No. 20-1363 (issued September 14, 2021); L.W., Docket No. 17-1685 (issued October 9, 2018).

⁹ *See M.W.*, Docket No. 20-0722 (issued April 26, 2021); D.G., Docket No. 18-0597 (issued October 3, 2018).

¹⁰ *See D.R.*, Docket No. 18-0323 (issued October 2, 2018).

¹¹ D.S., Docket No. 23-0414 (issued December 4, 2023); Y.S., Docket No. 19-1572 (issued March 12, 2020).

¹² A.G., Docket No. 21-0756 (issued October 18, 2021); J.B., Docket No. 19-0715 (issued September 12, 2019); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

ANALYSIS

The Board finds that appellant has met her burden of proof to establish disability from work for the period April 10 through 21, 2024 causally related to her accepted employment injury.

On July 18, 2024, Dr. Williams noted that appellant had tested positive for COVID-19 on April 10, 2024 and that employees who tested positive for COVID-19 were required to quarantine for 10 days to ensure the safety of the employee and the veterans. She related that appellant had been released to resume work on April 22, 2024 following the mandatory quarantine period. The Board finds that the opinion of Dr. Williams is sufficiently rationalized to constitute the weight of the medical evidence. Thus, appellant has established disability from work from April 10 through 21, 2024 as a result of her accepted condition of COVID-19.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish disability from work for the period April 10 through 21, 2024 causally related to her accepted employment injury.

ORDER

IT IS HEREBY ORDERED THAT the September 18 and December 16, 2024 decisions of the Office of Workers' Compensation Programs are reversed.

Issued: February 7, 2025
Washington, DC

Alec J. Koromilas, 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