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T.S., Appellant)	
)	
and)	Docket No. 25-0394
)	Issued: May 20, 2025
U.S. POSTAL SERVICE, NEW ORLEANS)	
PROCESSING & DISTRIBUTION CENTER,)	
New Orleans, LA, Employer)	
_____)	

Case Submitted on the Record

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

² The Board notes that following the October 1, 2024 decision, OWCP received additional evidence. The Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

ISSUE

The issue is whether appellant has met her burden of proof to establish disability from work for the period July 13 through August 9, 2024 causally related to her accepted August 22, 2018 employment injury.

FACTUAL HISTORY

On August 22, 2018 appellant, then a 49-year-old custodian, filed a traumatic injury claim (Form CA-1) alleging that she sustained a right arm and shoulder injury when sweeping and cleaning while in the performance of duty. She did not stop work but began modified-duty work on August 23, 2018. On November 6, 2018 OWCP accepted the claim for strain of unspecified muscle, fascia and tendon at shoulder and upper arm level, right arm and strain of muscle, fascia and tendon of lower back. On April 3, 2024 it expanded acceptance of the claim to include impingement syndrome of right shoulder; primary osteoarthritis, right shoulder; and incomplete rotator cuff tear or rupture of right shoulder.

In a July 18, 2024 report, Dr. Kevin F. Darr, a Board-certified orthopedic surgeon, noted that appellant presented with complaints of no improvement in her right shoulder symptoms. He documented examination findings and diagnosed right shoulder pain; right shoulder rotator cuff tendinitis; primary osteoarthritis of acromioclavicular (AC) joint; bursitis of right shoulder; partial thickness rotator cuff tear of right shoulder, not specified as traumatic; and superior glenoid labrum tear of right shoulder. Dr. Darr discussed surgical options with appellant and related that she opted to proceed with arthroscopic surgery for her right shoulder. In a July 18, 2024 duty status report (Form CA-17), he placed appellant off work.

On August 20, 2024, appellant filed a claim for compensation (Form CA-7) for disability from work during the period July 13 through August 9, 2024.

In a development letter dated August 20, 2024, OWCP informed appellant of the deficiencies of her disability claim. It advised her of the type of medical evidence needed and afforded her 30 days to submit the requested evidence.

Appellant subsequently filed an August 30, 2024 Form CA-7, claiming disability from work during the period July 18 through August 9, 2024.

In an undated note, which OWCP received on September 25, 2024, Dr. Darr stated that appellant's work status was no duty pending surgery, which he indicated was moved from September 17 to October 1, 2024 due to her contracting the flu. He advised that she was unable to work due to her right shoulder conditions of rotator cuff tendinitis, full-thickness rotator cuff tear, labral tear, impingement syndrome, degenerative joint disease of the AC joint, bursitis and synovitis. Dr. Darr also advised that appellant would be on a no duty status for 6 to 12 months post-surgery.

In a September 27, 2024 report, Dr. Darr noted that appellant reported that she was working modified duty. He indicated that she had exhausted an extensive conservative treatment program and that she presented to the clinic for final surgery discussion of right shoulder arthroscopic surgery, which was scheduled on October 1, 2024. Dr. Darr presented examination findings of her

right shoulder and diagnosed right shoulder pain; right shoulder rotator cuff tendinitis; primary osteoarthritis of AC joint; bursitis of right shoulder; partial thickness rotator cuff tear of right shoulder, not specified as traumatic; and superior glenoid labrum tear of right shoulder.

By decision dated October 1, 2024, OWCP denied appellant's disability, finding that the medical evidence of record was insufficient to establish disability from work for the period July 13 through August 9, 2024 causally related to the accepted August 22, 2018 employment injury.

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 compensation is claimed is causally related to the employment injury.⁴ Under FECA, the term disability means incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury.⁵ 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.⁶

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 the reliable, probative, and substantial medical evidence.⁷ The medical evidence required to establish causal relationship between a claimed period of disability and an accepted 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.⁸

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.⁹

³ *Supra* note 1.

⁴ See *B.P.*, Docket No. 25-0321 (issued March 24, 2025); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *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).

⁵ 20 C.F.R. § 10.5(f); *B.P.*, *id.*; *J.S.*, Docket No. 19-1035 (issued January 24, 2020).

⁶ *T.W.*, Docket No. 19-1286 (issued January 13, 2020).

⁷ *A.S.*, Docket No. 20-0406 (issued August 18, 2021); *Amelia S. Jefferson*, 57 ECAB 183 (2005).

⁸ *T.L.*, Docket No. 20-0978 (issued August 2, 2021); *V.A.*, Docket No. 19-1123 (issued October 29, 2019).

⁹ See *B.P.*, *supra* note 4; *C.T.*, Docket No. 20-0786 (issued August 20, 2021); *M.J.*, Docket No. 19-1287 (issued January 13, 2020); *C.S.*, Docket No. 17-1686 (issued February 5, 2019); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period July 13 through August 9, 2024 causally related to her accepted August 22, 2018 employment injury.

In support of her claim for compensation, appellant submitted reports from Dr. Darr. In his July 18, 2024 report, Dr. Darr noted that appellant wished to proceed with right shoulder arthroscopic surgery due to her right shoulder conditions of rotator cuff tendinitis, full-thickness rotator cuff tear, labral tear, impingement syndrome, degenerative joint disease of the AC joint, bursitis and synovitis and held her off work that day. In a July 18, 2024 Form CA-17, he placed appellant off work. However, Dr. Darr did not provide an opinion on why she could not work her modified position. In his undated note, which OWCP received on September 25, 2024, Dr. Darr related that appellant's pending surgery had been rescheduled for October 1, 2024 and she would remain in an off-duty work status pending surgery. However, he again offered no explanation as to why appellant could not work her modified position during the period of her claimed disability from July 13 through August 9, 2024. 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.¹⁰ Therefore, this evidence is of no probative value and is insufficient to establish the disability claim.

In his September 27, 2024 report, Dr. Darr reiterated examination findings, appellant's pending surgery and that she reported working modified duty. However, he did not offer an opinion as to whether she was disabled from work during the claimed period causally related to the August 22, 2018 employment injury. Therefore, this evidence is also insufficient to establish appellant's disability claim.¹¹

As the medical evidence of record lacks rationalized medical evidence establishing that appellant was disabled from work during the period July 13 through August 9, 2024 causally related to the accepted August 22, 2018 employment injury, the Board finds that she has not met her burden of proof.¹²

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.

¹⁰ See *T.H.*, Docket No. 25-0345 (issued March 20, 2025); *S.M.*, Docket No. 22-1209 (issued February 27, 2024); *A.S.*, Docket No. 21-1263 (issued July 24, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ See *id.*

¹² See *T.H.*, *supra* note 10.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish disability from work for the period July 13 through August 9, 2024 causally related to her accepted August 22, 2018 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the October 1, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 20, 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