

³ 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to establish disability from work for the period June 19 through July 28, 2016, causally related to her accepted April 27, 2016 employment injury.

FACTUAL HISTORY

This case has previously been before the Board.⁴ The facts and circumstances of the case as set forth in the Board's prior decisions and prior orders are incorporated herein by reference. The relevant facts are as follows.

On May 3, 2016 appellant, then a 39-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on April 27, 2016 she sprained her left knee due to "a runaway carrier cart" while in the performance of duty. She stopped work on May 4, 2016. Appellant received continuation of pay for the period May 5 to June 18, 2016.

In a development letter dated May 26, 2016, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit the necessary evidence.

On June 3, 2016 appellant responded to OWCP's development letter. She explained that while she was descending stairs to deliver mail, she noticed that her cart was about to roll into the street. Appellant fell on her left side onto the street as she tried to catch it. She then experienced pain in her knee which caused limitations.

Appellant submitted medical evidence, including an attending physician's report (Form CA-20) dated June 1, 2016, wherein Dr. Gabriela Rohr, an emergency medicine specialist, diagnosed left knee contusion, ligament injury, and edema. Dr. Rohr checked a box marked "Yes" indicating that the diagnosed conditions were caused or aggravated by the employment activity of a fall on April 27, 2016. She advised that appellant was totally disabled from May 3 through 27, 2016.

In a June 2, 2016 report, Dr. Lam Quan, an attending Board-certified physiatrist, indicated that appellant was involved in a work-related injury on April 27, 2016. He noted her complaint of left knee pain and reported examination findings. Dr. Quan provided an impression that appellant was involved in a work-related injury with subsequent onset of a left upper arm injury and left knee pain. He advised that she was temporarily totally disabled from work. Dr. Quan opined that, with a reasonable degree of medical certainty, the above-mentioned accident/injury was a competent and provocative cause of appellant's impairment and/or

⁴ Docket No. 18-1157 (issued March 26, 2019); *Order Dismissing Appeal*, Docket No. 20-0185 (issued May 28, 2020); *Order Granting Petition for Reconsideration Vacating Prior Board Order and Reinstating Appeal*, Docket No. 20-0185 (issued June 27, 2025).

disability and that there was a causal relationship between the April 27, 2016 incident and noted injuries.

In a Form CA-20 also dated June 2, 2016, Dr. Quan recounted a history that on April 27, 2016 appellant fell on a sidewalk while trying to grab her mail cart. He reiterated his diagnoses of left knee and left upper arm injuries. Dr. Quan checked a box marked "Yes," indicating that the diagnosed conditions were caused or aggravated by an employment activity. He advised that appellant was totally disabled commencing May 27, 2016. Dr. Quan further advised that she could resume work on July 14, 2016 following her reexamination.

OWCP thereafter received a May 27, 2016 report, wherein Dr. Joseph Weinstein, an osteopathic attending orthopedic surgeon, recounted a history that appellant was injured at work on April 27, 2016. Dr. Weinstein discussed her knee complaints and limitations and reported findings on physical and x-ray examination. He diagnosed internal derangement and meniscal tear of the left knee.

By decision dated June 30, 2016, OWCP accepted appellant's claim for left knee contusion.

On July 28, 2016 appellant filed a claim for wage-loss compensation (Form CA-7) for disability from work for the period June 19 through July 28, 2016. In support thereof, she submitted a July 8, 2016 report, wherein Dr. Weinstein reiterated appellant's history of injury on April 27, 2016 and his diagnoses of internal derangement and meniscal tear of the left knee. He recommended that she return to light-duty work.

OWCP subsequently received a July 8, 2016 note, wherein Dr. Weinstein released appellant to return to sedentary light-duty work with restrictions on July 11, 2016.

In a development letter dated August 11, 2016, OWCP requested that appellant provide additional factual and medical evidence, including a rationalized medical report from her physician which explained how her diagnosed internal derangement and meniscal tear of the left knee and claimed disability were caused or aggravated by her accepted April 27, 2016 employment injury. It afforded her 30 days to respond.

In an additional report dated August 11, 2016, Dr. Quan reiterated his diagnoses and his opinion that appellant had sustained a work-related injury. He advised that she had "50 percent temporary mild-to-moderate disability" and had not yet returned to work.

By decision dated September 21, 2016, OWCP denied expansion of the acceptance of appellant's claim to include the additional conditions of internal derangement and meniscal tear of the left knee as causally related to the accepted April 27, 2016 employment injury.

OWCP received additional reports dated August 22 and 26, 2016 from Dr. Weinstein who continued to relate a history that appellant was injured at work on April 27, 2016, diagnosed internal derangement and meniscal tear of the left knee, and advise that she was capable of returning to light-duty work.

By decision dated September 28, 2016, OWCP denied appellant's claim for compensation, finding that the medical evidence of record was insufficient to establish disability from work for the period June 19 through July 28, 2016, causally related to her accepted April 27, 2016 employment injury.

OWCP received further reports from Dr. Quan and Dr. Weinstein. In an October 13, 2016 report, Dr. Quan noted that appellant had attempted to return to light-duty work on July 11, 2016, but was sent home. He reported physical examination findings and reviewed the results of a May 7, 2016 left knee magnetic resonance imaging (MRI) scan. Dr. Quan restated his impression that appellant was involved in a work-related injury with subsequent onset of a left upper arm injury and left knee pain. He determined that she had "33 percent temporary mild-to-moderate disability" and noted that she had not returned to work. Dr. Quan opined that appellant sustained a work-related contusional injury to her left knee on April 27, 2016. He indicated that the MRI scan was unable to rule out a meniscal tear. Dr. Quan further indicated that given appellant's persistent pain despite physical therapy and clinical findings of a positive McMurray's test, which generally suggested a meniscal tear, her initial impression of left knee injury and pain now included a meniscus tear by her orthopedist. He concluded that the mechanism of injury, being a fall and contusion to the left knee, can be the inciting injury for this type of diagnosis.

In a November 8, 2016 duty status report (Form CA-17), Dr. Weinstein noted that appellant had left knee pain due to her April 27, 2017 work injury. He released her and she returned to full-time work with no restrictions on November 9, 2016.

In reports dated September 30, November 21, and December 22, 2016, and March 23, 2017, and a note dated March 23, 2017, Dr. Weinstein again noted appellant's April 27, 2016 accepted contusion and his diagnoses of internal derangement and meniscus tear of the left knee. He initially reiterated that she could return to light-duty work and subsequently advised that she could return to full-duty work with no restrictions on March 27, 2017. In the November 21, 2016 report, Dr. Weinstein noted that appellant related a history of injury that she fell and hit her knee and subsequently twisted her knee at work. He opined that the meniscal tear occurred with the twisting of the knee.

On September 14, 2017 appellant, through counsel, requested reconsideration of the September 21, 2016 expansion decision.

On September 15, 2017 counsel requested reconsideration of the September 28, 2016 denial of disability decision.

By decision dated December 7, 2017, OWCP denied modification of its September 21, 2016 expansion decision.

By decision dated February 23, 2018, OWCP denied modification of its September 28, 2016 denial of disability decision, finding that appellant had not submitted rationalized medical evidence addressing how the April 27, 2016 employment injury caused or contributed to her claimed additional diagnosed left knee conditions.

On May 17, 2018 appellant, through counsel, appealed to the Board. By decision dated March 26, 2019,⁵ the Board affirmed OWCP's December 7, 2017 expansion decision. However, the Board set aside OWCP's February 23, 2018 denial of disability decision and remanded the case for OWCP to include findings of fact and a clear and precise statement of reasons as to whether appellant had met her burden of proof to establish her claim for total disability for the period June 19 to July 28, 2016, causally related to her accepted April 27, 2016 employment injury, to be followed by a *de novo* decision.

By decision dated May 21, 2019, OWCP denied modification of its denial of wage-loss compensation for disability from work for the period June 19 through July 28, 2016 due to appellant's accepted April 27, 2016 employment injury.

LEGAL PRECEDENT

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.⁶ 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.⁷ 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.⁸

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. 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 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

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.¹⁰ Rationalized medical evidence is medical

⁵ Docket No. 18-1157 (issued March 6, 2019).

⁶ See *D.A.*, Docket No. 26-0214 (issued April 21, 2026); *M.F.*, Docket No. 24-0445 (issued May 23, 2024); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019); *D.W.*, Docket No. 18-0644 (issued November 15, 2018); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁷ *Id.* See also 20 C.F.R. § 10.501(a); *K.H.*, Docket No. 25-0906 (issued January 30, 2026); *V.P.*, Docket No. 21-1111 (issued May 23, 2022); *C.E.*, Docket No. 19-1617 (issued June 3, 2020); *M.M.*, Docket No. 18-0817 (issued May 17, 2019); *T.A.*, Docket No. 18-0431 (issued November 7, 2018); see also *Amelia S. Jefferson*, 57 ECAB 183 (2005).

⁸ 20 C.F.R. § 10.5(f); *B.O.*, *supra* note 6; *N.M.*, Docket No. 18-0939 (issued December 6, 2018).

⁹ *Id.*

¹⁰ *C.J.*, Docket No. 21-1424 (issued February 27, 2024); *J.M.*, Docket No. 19-0478 (issued August 9, 2019).

evidence, which includes a physician's detailed medical opinion on the issue of whether there is a causal relationship between the claimant's claimed disability and the accepted employment injury. 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 period of 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

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period June 19 through July 28, 2016, causally related to her accepted April 27, 2016 employment injury.

Appellant submitted reports dated May 27, 2016 through March 23, 2017 from Dr. Weinstein, who recounted a history of the accepted April 27, 2016 employment injury and diagnosed internal derangement and meniscal tear of the left knee. In his reports dated July 8, 2016 and August 22 and 26, 2016, Dr. Weinstein released appellant to return to sedentary light-duty work with restrictions on July 11, 2016. However, he failed to explain how the April 27, 2016 employment injury was responsible for her disability, and why she was unable to perform the duties of her position during the period claimed. 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/period of disability has an employment-related cause.¹³ Therefore, Dr. Weinstein's reports and note are insufficient to establish appellant's disability claim.

In his reports and note dated September 30, 2016 through March 23, 2017, Dr. Weinstein initially reiterated that appellant could return to light-duty work and subsequently advised that she could return to full-duty work with no restrictions on November 9, 2016 and March 27, 2017. As these reports and note postdated the period of disability at issue, they did not provide an opinion as to whether appellant was disabled from work during the claimed

¹¹ *R.H.*, Docket No. 18-1382 (issued February 14, 2019).

¹² *C.E.*, *supra* note 7; *M.M.*, *supra* note 7; *see V.B.*, Docket No. 18-1273 (issued March 4, 2019); *S.M.*, Docket No. 17-1557 (issued September 4, 2018); *William A. Archer*, 55 ECAB 674, 679 (2004); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

¹³ *See K.M.*, Docket No. 24-0260 (issued November 8, 2024); *R.H.*, Docket No. 22-0140 (issued August 12, 2022); *T.S.*, Docket No. 20-1229 (issued August 6, 2021); *S.K.*, Docket No. 19-0272 (issued July 21, 2020); *T.T.*, Docket No. 18-1054 (issued April 8, 2020); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

period due to her accepted employment injury. This evidence is therefore of no probative value and insufficient to establish appellant's disability claim.¹⁴

Appellant also submitted reports dated June 2, August 11, and October 13, 2016 from Dr. Quan, who recounted a history of the accepted April 27, 2016 employment injury and diagnosed left upper arm injury and left knee pain. In his June 2, 2016 report, Dr. Quan opined that appellant was temporarily totally disabled from work. He opined that, with a reasonable degree of medical certainty, the above-mentioned injury was a competent and provocative cause of appellant's impairment and/or disability and that there was a causal relationship between the April 27, 2016 incident and noted injuries. In his Form CA-20 of even date, Dr. Quan advised that appellant could resume work on July 14, 2016 following her reexamination. On August 11, 2016 he opined that she had "50 percent temporary mild-to-moderate disability" and had not yet returned to work. On October 13, 2016 Dr. Quan opined that appellant had "33 percent temporary mild-to-moderate disability" and noted that she had not returned to work. Although Dr. Quan opined that appellant was disabled during the claimed period, he failed to explain how the April 27, 2016 employment injury, which was accepted for left knee contusion, caused appellant disability, such that she was unable to perform the duties of her position during the closed-ended period claimed. As noted above, medical evidence that does not contain medical rationale explaining how a given medical condition/period of disability has an employment-related cause is of limited probative value.¹⁵ Thus, Dr. Quan's reports are insufficient to establish appellant's disability claim.

In a June 1, 2016 Form CA-20, Dr. Rohr opined that appellant was totally disabled from May 3 through 27, 2016. This report predated the claimed period of disability and did not address the relevant claimed time period. As such, it is insufficient to establish appellant's disability claim.¹⁶

As the medical evidence of record is insufficient to establish causal relationship between the claimed period of disability and the accepted April 27, 2016 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.

¹⁴ See *M.C.*, Docket No. 24-0516 (issued July 12, 2024); *A.M.*, Docket No. 22-1324 (issued January 13, 2023); *M.M.*, *supra* note 7; *M.C.*, Docket No. 16-1238 (issued January 26, 2017).

¹⁵ *Supra* note 13.

¹⁶ See *C.L.*, Docket No. 26-0005 (issued January 29, 2026); *D.J.*, Docket No. 24-0175 (issued May 2, 2024); *R.B.*, Docket No. 23-0395 (issued October 2, 2023); *P.R.*, Docket No. 20-0596 (issued October 6, 2020); *M.L.*, Docket No. 18-1058 (issued November 21, 2019); *A.P.*, Docket No. 19-0446 (issued July 10, 2019); *D.J.*, Docket No. 18-0200 (issued August 12, 2019).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish disability from work for the period June 19 through July 28, 2016, causally related to her accepted April 27, 2016 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the May 21, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 15, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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