

appellant who, in response, ran down the homeowner's front steps, tripped and "hurt her ankle." The Office accepted appellant's claim for right ankle strain and sprain.

Appellant submitted an April 3, 2009 report in which Dr. Jonathan Crisp, who is Board-certified in emergency medicine, diagnosed ankle fracture.

On April 3, 2009 Dr. Richard H. Gold, a Board-certified radiologist, reported that x-rays of appellant's right ankle revealed no evidence of fracture. However, he also noted that the x-rays revealed that she may have had an acute trauma or an old trauma.

Appellant submitted form reports bearing illegible signatures from the Progressive Medical Group excusing appellant from work May 13 through July 15, 2009, April 13 through August 31, 2009 and September 9 through 28, 2009.

On July 10, 2009 appellant filed a claim for compensation (Form CA-7) for June 20 through July 3, 2009. On July 20, 2009 she filed another claim for compensation (Form CA-7) for the period July 4 through 17, 2009.

By letter dated July 27, 2009, the Office informed appellant that further evidence was required. Appellant was informed that she should submit a medical report from her treating physician who explained why she was disabled on the dates in question.

On September 30, 2009 appellant filed a claim seeking compensation for the dates July 18 through September 25, 2009.

By decision dated October 14, the Office denied the claims because the evidence of record did not demonstrate that appellant's alleged disability during the periods claimed was causally related to her accepted employment injury. On November 2, 2009 it again denied the claim for disability compensation and terminated authorization for further medical treatment.

LEGAL PRECEDENT -- ISSUE 1

Under the Federal Employees' Compensation Act,¹ the term disability is defined as an inability, due to an employment injury, to earn the wages the employee was receiving at the time of the injury, *i.e.*, an impairment resulting in loss of wage-earning capacity.² For each period of disability claimed, the employee has the burden of establishing that he or she was disabled for work as a result of the accepted employment injury.³ Whether a particular injury causes an employee to become disabled for work and the duration of that disability are medical issues that must be proved by a preponderance of probative and reliable medical opinion evidence.⁴

¹ 5 U.S.C. §§ 8101-8193.

² *See S.F.*, 59 ECAB ____ (Docket No. 08-426, issued July 16, 2008); *Prince E. Wallace*, 52 ECAB 357 (2001).

³ *Sandra D. Pruitt*, 57 ECAB 126 (2005); *Dennis J. Balogh*, 52 ECAB 232 (2001).

⁴ *G.T.*, 59 ECAB ____ (Docket No. 07-1345, issued April 11, 2008); *Gary J. Watling*, 52 ECAB 278 (2001).

The Board will not require the Office 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 disability and entitlement to compensation.⁵

ANALYSIS -- ISSUE 1

The Office accepted appellant's claim for right ankle strain and sprain. Appellant's burden is to demonstrate that her disability for the periods claimed is causally related to her accepted employment injury. She has not submitted medical opinion evidence supporting her claims for disability compensation and, consequently, the Board finds she has not established that she was disabled from work from June 20, 2009 to present, causally related to her accepted employment injury.

The reports and notes from the Progressive Medical Group bearing illegible signatures are of limited probative value for several reasons. The Board notes initially that it is unable to ascertain that these notes were in fact prepared by a "physician" as defined by the Act.⁶ Furthermore, these notes contain no diagnosis and no explanation as to why appellant was disabled. As such, these notes are of no probative medical value in establishing that appellant was disabled from June 20, 2009 and continuing, due to the accepted employment injury.

The reports signed by Drs. Gold and Crisp do not address the dates of disability in question and are therefore of little probative value regarding this issue.

An award of compensation may not be based on surmise, conjecture or speculation.⁷ Because appellant has not submitted medical opinion evidence that explains how her alleged disability during the period claimed was causally related to her accepted employment injury, the Board finds she has not met her burden of proof to establish entitlement to wage-loss compensation after June 20, 2009.

LEGAL PRECEDENT -- ISSUE 2

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability. To terminate authorization for medical treatment, the Office must establish that a claimant no longer has residuals of an employment-related condition, which require further medical treatment.⁸

⁵ *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi*, 52 ECAB 291 (2001).

⁶ *Vickey C. Randall*, 51 ECAB 357 (2000); *Merton J. Sills*, 39 ECAB 572 (1988) (reports not signed by a physician lack probative value)

⁷ *Edgar G. Maiscott*, 4 ECAB 558 (1952) (holding appellant's subjective symptoms and self-serving declarations do not, in the opinion of the Board, constitute evidence of a sufficiently substantial nature).

⁸ *Mary A. Lowe*, 52 ECAB 223 (2001).

ANALYSIS -- ISSUE 2

The Office has accepted appellant's claim for an April 3, 2009 ankle strain and sprain. An April 3, 2009 x-ray report revealed no evidence of ankle fracture. Since April 3, 2009 the Office did not receive any medical report which substantiated an ongoing diagnosis of her ankle condition, or need for further medical treatment. It advised appellant that the claim would be closed for further medical treatment, as a minor ankle strain injury, however, she could reopen the claim if she sustained a recurrence of worsening of the condition. The Board thus finds that the Office properly terminated authorization for medical treatment as of November 2, 2009.

CONCLUSION

The Board finds appellant has not established that she was disabled from work from June 20, 2009 to present, causally related to her accepted employment injury. The Board also finds that the Office properly terminated her medical benefits for the April 3, 2009 ankle sprain.

ORDER

IT IS HEREBY ORDERED THAT the November 2 and October 28, 2009 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: September 7, 2010
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board