

ISSUE

The issue is whether appellant has met her burden of proof to establish disability from work for the period April 26 through September 19, 2022 causally related to her accepted April 13, 2022 employment injury.

FACTUAL HISTORY

On May 18, 2022 appellant, then a 35-year-old assistant rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed sciatica due to factors of her federal employment, including pulling a heavy box out of a bucket on April 13, 2022. She explained that she continued working, not realizing that she had injured her back and that her condition was more serious than she realized before it worsened. Appellant noted that she first became aware of her condition on April 13, 2022 and realized its relation to her federal employment on April 26, 2022. She stopped work on April 13, 2022. Appellant resigned from the employing establishment on September 16, 2022. OWCP converted the claim to an April 13, 2022 traumatic injury claim and on November 28, 2023, accepted it for sprain of ligaments of lumbar spine and strain of muscle, fascia and tendon of lower back.

In a May 18, 2022 progress note, Dr. Bruce Taylor, an adult family medicine physician, reported that on April 13, 2022 appellant had injured her back at work. He also noted that she had previously injured her left elbow at work. Dr. Taylor provided examination findings and diagnosed lumbar radiculopathy, pain in left arm and pain in right heel. In a May 18, 2022 work note, he indicated that appellant was under medical supervision from April 25 through June 25, 2022 and released her to work on June 26, 2022.

On May 24, 2022 the employing establishment issued an authorization for examination and/or treatment (Form CA-16) which indicated that appellant had injured her low back on April 13, 2022.

In a May 24, 2022 report, Dr. Vijay Tirumalasetty, a Board-certified family practitioner, noted the history of the April 13, 2022 work injury, presented examination findings, and provided an assessment of low back pain at multiple sites. In a May 24, 2022 attending physician's report, Part B of the Form CA-16, he opined that appellant's low back pain was caused or aggravated by the April 13, 2022 work injury as she did not experience pain before the bending, but experienced pain after the bending. In a May 24, 2022 physician report and in the May 24, 2022 attending physician's report, Dr. Tirumalasetty opined that appellant could work light to medium activity with restrictions from May 24 through June 10, 2022.

On May 27, 2022 and December 28, 2023 appellant filed claims for compensation (Form CA-7) for disability from work during the period April 26 through September 19, 2022.

In a June 10, 2022 progress note, Dr. Tirumalasetty noted examination findings and provided assessments of chronic lumbar radiculopathy and low back pain at multiple sites. He opined, in a June 10, 2022 form report, that appellant could perform light activity work from June 10 through 20, 2022 due to her low back pain and lumbar radiculopathy. In his June 20, 2022 form report, Dr. Tirumalasetty opined that appellant was able to perform light medium activity

work with restrictions from June 20 through July 20, 2022. He also ordered a lumbar magnetic resonance imaging (MRI) scan.

A June 25, 2022 MRI scan report of the lumbar spine revealed L5-S1 left disc herniation, compressing the proximal left S1 nerve root.

In development letters dated November 28, 2023, and January 8 and 30, 2024, OWCP advised appellant of the deficiencies of her claims for disability from work during the period April 26 through September 19, 2022. It requested a completed Time Analysis form (Form CA-7a), advised her of the type of medical evidence needed and afforded her 30 days to respond.

OWCP received copies of medical evidence that was previously of record.³

By decision dated March 19, 2024, OWCP denied appellant's claim for disability for the period April 26 through September 19, 2022. It found that the evidence of record was insufficient to establish disability from work during the claimed period due to the accepted April 13, 2022 employment injury.

On April 15, 2024 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review. She subsequently resubmitted medical evidence that was previously of record.

By decision dated July 19, 2024, OWCP's hearing representative affirmed the March 19, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁴ has the burden of proof to establish the essential elements of his or her claim including the fact that any disability or specific condition for which compensation is claimed is causally related to the employment 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 probative and reliable medical opinion evidence.⁷

³ OWCP also received payrate information from the employing establishment dated January 18, 2024, including copies of timecards with varied dates; and a March 9, 2022 grievance settlement statement.

⁴ *Supra* note 2.

⁵ 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).

⁶ *Id.*; *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

⁷ 20 C.F.R. § 10.5(f); *J.M.*, Docket No. 18-0763 (issued April 29, 2020).

Under FECA, the term “disability” means an incapacity because of an employment injury, to earn the wages the employee was receiving at the time of the injury.⁸ 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 any loss of wages.⁹

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.¹⁰

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.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period April 26 through September 19, 2022 causally related to her accepted April 13, 2022 employment injury.

In a May 18, 2022 progress note and a work note of the same date, Dr. Taylor noted that appellant injured her back at work on April 13, 2022 and had previously injured her left elbow at work. He diagnosed lumbar radiculopathy and indicated that she could return to work on June 26, 2022. However, Dr. Taylor failed to provide a history of the April 13, 2022 work injury, and a well-rationalized opinion which explained how the diagnosed lumbar radiculopathy and resultant disability were physiologically caused by the accepted April 13, 2022 employment injury.¹² Medical evidence that states a conclusion, but does not offer a rationalized medical explanation regarding the cause of an employee’s condition, is of limited probative value.¹³ Therefore, these reports are insufficient to establish appellant’s disability claim.

⁸ *Id.* at § 10.5(f); *see J.T.*, Docket No. 19-1813 (issued April 14, 2020); *Cheryl L. Decavitch*, 50 ECAB 397 (1999).

⁹ *J.T., id.*; *Merle J. Marceau*, 53 ECAB 197 (2001).

¹⁰ *T.T.*, Docket No. 18-1054 (issued April 8, 2020).

¹¹ *D.M.*, Docket No. 21-0930 (issued February 8, 2023); *J.B.*, Docket No. 19-0715 (issued September 12, 2019); *Sandra D. Pruitt*, 57 ECAB 126 (2005).

¹² *See S.S.*, Docket No. 24-0814 (issued September 27, 2024); *T.L.*, Docket No. 23-0073 (issued January 9, 2023); *V.D.*, Docket No. 20-0884 (issued February 12, 2021); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹³ *See S.S., id.*; *C.T.*, Docket No. 22-0013 (issued November 22, 2022); *R.B.*, Docket No. 22-0173 (issued July 26, 2022); *A.P.*, Docket No. 20-1668 (issued March 2, 2022); *D.H.*, Docket No. 17-1913 (issued December 13, 2018).

OWCP also received reports from Dr. Tirumalasetty dated May 24, and June 10 and 20, 2022. However, Dr. Tirumalasetty did not address the claimed period of disability. Additionally, he opined that she could perform light-medium or light-duty work with restrictions due to her low back pain and lumbar radiculopathy. Therefore, these reports are insufficient to establish appellant's disability claim.

Appellant further submitted copies of diagnostic tests. However, the Board has held that diagnostic studies, standing alone, lack probative value on the issue of causal relationship.¹⁴ Thus, this evidence is insufficient to establish appellant's disability claim.

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 10.607.¹⁵

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish disability from work during the period April 26 through September 19, 2022 causally related to her accepted April 13, 2022 employment injury.

¹⁴ *K.B.*, Docket No. 22-0842 (issued April 25, 2023); *T.K.*, Docket No. 18-1239 (issued May 29, 2019).

¹⁵ The Board notes that the employing establishment issued a Form CA-16. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *S.G.*, Docket No. 23-0552 (issued August 28, 2023); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).

ORDER

IT IS HEREBY ORDERED THAT the July 19, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 5, 2024
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board