

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GEORGE E. SMITH and U.S. POSTAL SERVICE,
SPRING VALLEY POST OFFICE, Dallas, TX

*Docket No. 00-2136; Submitted on the Record;
Issued April 27, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether the Office of Workers' Compensation Programs met its burden of proof in terminating appellant's compensation as of September 18, 1997 on the basis that he no longer suffered residuals of his August 5, 1997 employment injury.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office hearing representative, dated March 2, 2000 and finalized March 6, 2000, is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ Once the Office has accepted a claim and pays compensation, it bears the burden to justify modification or termination of benefits. *Curtis Hall*, 45 ECAB 316 (1994). The Board finds that the Office met its burden of proof in terminating appellant's compensation benefits based on the accurate, thorough and well-rationalized opinion of Dr. William E. Blair, Jr., a Board-certified orthopedic surgeon. *See Samuel Theriault*, 45 ECAB 586, 590 (1994).

The decision of the Office of Workers' Compensation Programs dated March 2, 2000 and finalized March 6, 2000 is hereby affirmed.

Dated, Washington, DC
April 27, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member