

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JACQUELEAN C. EPPS and DEPARTMENT OF VETERANS AFFAIRS,
BROADVIEW HEIGHTS VIRGINIA HOSPITAL, Brecksville, OH

*Docket No. 99-148; Submitted on the Record;
Issued April 6, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs met its burden of proof to terminate benefits effective November 14, 1997.

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 August 27, 1998 decision of the Office hearing representative, finalized on August 28, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The August 12, 1997 report of Dr. Charles J. Paquelet, a Board-certified orthopedic surgeon, is sufficiently rationalized to establish that appellant's back condition is due to nonwork-related conditions of degenerative disc disease and obesity, arthritis and residuals of thrombophlebitis. As an impartial medical specialist, therefore, Dr. Paquelet's opinion constitutes the weight of the evidence and justifies the Office's termination of benefits; *see Kathryn Haggerty*, 45 ECAB 383, 389 (1994); *Jane B. Roanhaus*, 42 ECAB 288 (1990).

The decisions of the Office of Workers' Compensation Programs dated August 27, 1998 and finalized on August 28, 1998 and November 14, 1997 are hereby affirmed.

Dated, Washington, D.C.
April 6, 2000

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member