

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LIONEL GARY, SR. and U.S. POSTAL SERVICE,
HEADQUARTERS, Washington, DC

*Docket No. 99-2252; Submitted on the Record;
Issued March 21, 2001*

DECISION and ORDER

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

The issues are: (1) whether the Office of Workers' Compensation Programs properly terminated appellant's wage-loss compensation effective January 24, 1996 on the basis that he no longer suffered from a medical condition or disability causally related to his August 24, 1993 employment injury; and (2) whether appellant established that his claimed disability after January 24, 1996 was causally related to his accepted employment injury.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office dated November 24, 1998 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 accepts a claim and pays compensation, it bears the burden to justify modification or termination of benefits. *Curtis Hall*, 45 ECAB 316 (1994). Having determined that an employee has a disability causally related to his or her federal employment, the Office may not terminate compensation without establishing either that the disability has ceased or that it is no longer related to the employment. *Jason C. Armstrong*, 40 ECAB 907 (1989). 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. Peter G. Bernad, a Board-certified internist and neurologist. *See Samuel Theriault*, 45 ECAB 586, 590 (1994). Where, as in the instant case, appellant claims that a condition not accepted or approved by the Office was due to his employment injury, he bears the burden of proof to establish that the condition is causally related to the employment injury. *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. *Robert G. Morris*, 48 ECAB 238 (1996). The Board finds that appellant has not met his burden with respect to his claimed condition of chronic pain syndrome.

The November 24, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 21, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member