



The record shows that appellant cooperated in the early but necessary stages of vocational rehabilitation, including the initial interview, counseling, and vocational testing and evaluation services. She was described as “cooperative with provider for academic, aptitude, interest testing, some computer and clerical work sample.” A two-week vocational evaluation concluded that appellant had no capacity to work competitively “at this time, so a [d]irect [p]lacement would not be realistic.” Sheltered employment was deemed impractical. Further training was not indicated. It was recommended, instead, that appellant pursue medical resolve and focus on quality of life issues. Rehabilitation goals included, among other things, establishing a realistic plan to enter retirement.

A month later, when the rehabilitation counselor reviewed with her the test results for her employability, appellant “declined offered job placement services” and applied for disability retirement. The rehabilitation counselor reported obstruction.

The Board finds that OWCP did not meet its burden of proof to justify the modification of appellant’s compensation.<sup>3</sup> The rehabilitation counselor did not explain how declining direct placement services constituted obstruction of vocational rehabilitation efforts when vocational testing and evaluation services made clear that direct placement would not be realistic, that appellant had no capacity to work competitively, that further training was not indicated, and that appellant should establish a realistic plan to enter retirement, a recommendation she followed. It would appear that appellant’s actions were entirely consistent with the results of vocational testing and evaluation services. Accordingly,

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<sup>3</sup> Once the Office accepts a claim, it has the burden of proof to justify the termination or modification of compensation benefits. *Harold S. McGough*, 36 ECAB 332 (1984).

**IT IS HEREBY ORDERED THAT** the July 8, 2010 decision of the Office of Workers' Compensation Programs is reversed.

Issued: August 26, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board