

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHARON G. THOMAS and U.S. POSTAL SERVICE,
POST OFFICE, Richmond, Va.

*Docket No. 95-2645; Submitted on the Record;
Issued January 20, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs met its burden of proof in terminating appellant's compensation effective February 5, 1995.

In the present case, appellant filed a claim on June 12, 1992 alleging that she sustained a chest wall strain as a result of lifting in her federal employment. Appellant did not work on June 10 and 11, 1992, returned to a light-duty job, and then stopped working on March 8, 1993. The Office accepted that appellant sustained a chest wall strain. She was paid compensation on the daily roll and then placed on the short-term roll as of January 9, 1994. By letter dated January 4, 1995, the Office advised appellant that it proposed to terminate her compensation on the grounds that the medical evidence established that her accepted condition had resolved. In a decision dated February 13, 1995, the Office terminated appellant's compensation effective February 5, 1995. On reconsideration, the Office denied modification by decision dated June 6, 1995.

The Board has reviewed the record and finds that the Office met its burden of proof in terminating appellant's compensation.

Once the Office accepts a claim, it has the burden of justifying termination or modification of compensation. After it has been determined that an employee has disability causally related to his employment, the Office may not terminate compensation without establishing that the disability had ceased or that it was no longer related to the employment.¹

In the present case, the Office referred appellant for evaluation by Dr. Herman M. Nachman, a Board-certified orthopedic surgeon. In a report dated August 22, 1994, Dr. Nachman provided a history, results on examination, and indicated that he had reviewed the medical records. Dr. Nachman stated that he did not believe appellant had a work-related

¹ *Patricia A. Keller*, 45 ECAB 278 (1993).

diagnosis. He noted that appellant had calcification of the costal chondral junctions, and opined that this was present in June 1992. Dr. Nachman further opined in pertinent part that appellant “does not suffer residuals related to the incident of June 1992. The rationale of this conclusion is based upon the fact that her complaints are purely subjective. There are no objective findings to indicate residuals of the musculoskeletal system. He concluded that appellant was not disabled and no course of treatment was indicated.

The Board finds that Dr. Nachman’s opinion represents the weight of the medical evidence. Dr. Nachman provided a reasoned opinion, based on a complete factual and medical background, that appellant’s employment-related residuals had ceased. There is no probative medical evidence supporting a continuing employment-related condition. In a report dated December 6, 1994, Dr. Hayes E. Willis, a Board-certified internist, stated that appellant’s ability to perform the duties of a letter sorting machine operator would be hampered by her stiffness and pain and he was concerned that appellant would suffer a recurrence of costochondritis. Dr. Willis recommended that appellant be permitted to start work with light duty. With respect to whether appellant’s condition was causally related to her employment injury, Dr. Willis does not provide an opinion. He does not provide a history discussing the employment injury or a reasoned opinion that appellant continued to have an employment-related condition. Form reports (CA-20a) in which Dr. Willis diagnoses costochondritis and checks a box “yes” that the condition is due to an employment injury, are of little probative value without further explanation.²

Accordingly, the Board finds that the Office met its burden of proof in terminating appellant’s compensation in this case.

The decisions of the Office of Workers’ Compensation Programs dated June 6, 1995 and February 13, 1995 are affirmed.

Dated, Washington, D.C.
January 20, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

² See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).