

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KIM S. KREEGER and DEPARTMENT OF THE AIR FORCE,
AIR FORCE SYSTEMS COMMAND, Los Angeles, Calif.

*Docket No. 96-142; Submitted on the Record;
Issued June 1, 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 June 25, 1995.

In the present case, appellant filed a claim on September 7, 1988 for an emotional condition causally related to her federal employment. The Office accepted the claim for aggravation of schizoaffective disorder, psychological factors affecting physical condition, and personality disorder. Appellant began receiving compensation for temporary total disability.

In a letter dated May 2, 1995, the Office advised appellant that it proposed to terminate her compensation on the grounds that the evidence established that she no longer had residuals of the accepted employment injury. Appellant was advised that she could submit additional evidence within 30 days; there is no indication that appellant submitted additional medical evidence. By decision dated June 5, 1995, the Office terminated appellant's compensation effective June 25, 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 this case, the Office referred appellant, along with a statement of accepted facts and medical records, for second opinion evaluation by Dr. William J. Sullivan, a Board-certified psychiatrist. In a report dated March 16, 1995, Dr. Sullivan provided a history and results on

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

examination, diagnosing bipolar disorder with psychotic features. Dr. Sullivan stated in pertinent part:

“The [b]ipolar [d]isorder is not affected significantly by external factors, but is governed by intracerebral organic factors. In no way are the environmental situations or the work situations of [appellant] responsible for her [b]ipolar [d]isorder and the exacerbations of the mania as we now are seeing in her. Her present state is the natural progression of a preexisting and nonindustrial organically caused psychosis.

“At this time [appellant] has a severe disability for work.... It must be considered a permanent and stationary psychiatric disability for work since she will always have the [b]ipolar [d]isorder. This disorder is 100 percent the result of the preexisting nonindustrial causation and its natural progression. There was no contribution from the workplace at the [employing establishment] to the origin, development, and exacerbation of the [b]ipolar [d]isorder and its attendant disability for work.”

Dr. Sullivan further noted that “nonwork conditions, in this case, genetic and familial factors, caused her disease which is producing her present disability and her present pathological condition.”

The Board finds that Dr. Sullivan’s opinion represents the weight of the medical evidence. He provided an unequivocal opinion based on a complete background which indicates that appellant did not have continuing emotional condition causally related to her federal employment. Appellant did not submit any medical evidence regarding a continuing employment-related emotional condition. The Board therefore finds that the Office met its burden of proof in terminating compensation effective June 25, 1995.

The decision of the Office of Workers’ Compensation Programs dated June 5, 1995 is affirmed.

Dated, Washington, D.C.
June 1, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member