

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of MARY E. ECHOLS and U.S. POSTAL SERVICE,  
POST OFFICE, Atlanta, Ga.

*Docket No. 97-280; Submitted on the Record;  
Issued November 18, 1998*

---

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant has established that she had continuing employment-related disability after May 23, 1988.

This is the second appeal of this case. The Office of Workers' Compensation Programs accepted that on March 14, 1988 due to negligent handling of postal monies, appellant incurred a debt to the postal service of \$121.15 and that this debt and all surrounding circumstances occurred in the performance of duty; that appellant incurred extra work and overtime inputting information lost from a computer disk; and that appellant was required to work in a cold environment. The Office also found that as a result of these accepted factors of employment, appellant sustained a temporary aggravation of depression, which ceased when appellant stopped work on May 23, 1988. By decision dated August 11, 1994, the Board found that the weight of the medical evidence established that appellant's employment-related temporary aggravation of depression ceased by May 23, 1988.<sup>1</sup>

Appellant thereafter requested that the Office reconsider her case on August 4, 1995 and August 2, 1996. The Office denied appellant's requests for reconsideration, after merit review, on August 14, 1995 and August 27, 1996.

The Board finds that appellant has not met her burden of proof to establish continuing disability after May 23, 1988 caused by the accepted employment injury.

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 or her employment, the Office may not terminate compensation benefits without establishing that the disability has ceased or that it was no longer related to the

---

<sup>1</sup> Docket No. 93-1260 (issued August 11, 1994). The facts of the case are fully set forth in the prior decision and are hereby incorporated by reference.

employment.<sup>2</sup> If the Office, however, meets its burden of proof and properly terminates compensation, the burden for reinstating compensation benefits shifts to appellant.<sup>3</sup>

The Board found on the previous appeal that the Office had met its burden of proof to terminate appellant's compensation benefits, and therefore the burden of proof shifted to appellant to establish entitlement to continuing benefits.

In support of her claim for continuing benefits appellant submitted new reports from Dr. E. Clifford Beal, a Board-certified psychiatrist, Dr. J.S. Strachan, a psychiatrist, and reports already of record from Dr. Harvey B. Leslie, Board-certified in internal medicine, and Dr. W. Brem Mayer, Jr., a Board-certified diagnostic radiologist. Appellant also submitted a number of affidavits from lay persons stating their opinions concerning appellant's state of mind.

In his report dated August 1, 1995, Dr. Beal reviewed appellant's medical history from 1971 to June 13, 1988. Dr. Beal's notation on June 13, 1988 indicated that appellant had been seen by Dr. Strachan, and had been referred to Dr. Beal's office for stress and constant headaches. Dr. Beal's report of August 1, 1995 does not indicate that appellant was actually seen by Dr. Beal on June 13, 1988 or at anytime thereafter. Dr. Beal did opine that "it was then and still is my professional opinion that [appellant] endured work-related hardships physically and mentally from 1971 to 1988 while employed with the [employing establishment]." Dr. Beal indicated that appellant had sustained personal and financial stressors as a result of her work experiences and that in his professional opinion she was disabled from any kind of gainful employment. The issue in the case is whether the accepted condition of temporary aggravation of depression, due to the accepted factors of employment, continued after appellant stopped work on May 23, 1988. As Dr. Beal does not address, with any specificity, whether he in fact evaluated appellant on or after May 23, 1988, and if so why appellant's depression due to the accepted factors continued after May 23, 1988, his opinions are speculative and of little medical probative value.

In his report dated July 31, 1995, Dr. Strachan stated that appellant was seen on July 28, 1986. Dr. Strachan related appellant's history of employment incidents since 1971 and opined that appellant had not experienced just one event at work, but many eventful experiences having a summation effect that would be markedly distressing to almost anyone. Dr. Strachan diagnosed post-traumatic stress disorder and stated that appellant did not function well on the anniversaries of the many traumatic and devastating events she had experienced in the workplace. Dr. Strachan concluded that appellant had been symptomatic for many years and was presently symptomatic. The Board notes that the Office has not accepted that appellant sustained post-traumatic stress disorder causally related to her federal employment. Dr. Strachan has not offered a rationalized medical opinion explaining how appellant's accepted employment factors or injuries would have caused a post-traumatic stress disorder. Moreover, while Dr. Strachan relates appellant's own history that she continued to experience flashbacks and other symptoms since 1988, Dr. Strachan does not provide bridging evidence of treatment throughout the years to support a continuing diagnosis of such condition.

---

<sup>2</sup> *Gary R. Sieber*, 46 ECAB 215 (1994).

<sup>3</sup> *See Virginia Davis-Banks*, 44 ECAB 389 (1993); *Joseph M. Campbell*, 34 ECAB 1389 (1983).

Appellant also resubmitted an October 31, 1986 computer tomography scan and a November 19, 1986 report from Dr. Leslie. Dr. Leslie noted that when seen on October 27, 1986 for back pain from a July 28, 1986 employment injury, appellant had mild depression. The record does not reflect, however, that the Office accepted that appellant had sustained depression in 1986 causally related to an accepted back injury in July 1986. Dr. Leslie's conclusory statement in this regard is unrationalized and of little probative medical value. The Board has held that a physician's opinion is not dispositive simply because it is offered by a physician.<sup>4</sup> To be of probative value to appellant's claim, the physician must provide a proper factual background and must provide medical rationale which explains the medical issue at hand, be that whether the current condition is disabling or whether the current condition is causally related to the accepted employment injury. Where no such rationale is present, the medical opinion is of diminished probative medical value.

Finally, while appellant submitted a number of statements from friends and relatives regarding her physical and emotional state, such statements are also of little probative value. The issue in the present case is medical in nature and the Board has long held that lay persons are not competent to render medical opinions.<sup>5</sup> Appellant has not met her burden of proof to establish continuing disability after May 23, 1988 due to the accepted condition of temporary aggravation of depression.

The decision of the Office of Workers' Compensation Programs dated August 27, 1996 is hereby affirmed.

Dated, Washington, D.C.  
November 18, 1998

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

---

<sup>4</sup> See *Michael Stockert*, 39 ECAB 1186 (1988).

<sup>5</sup> *Harold Hendrix*, 1 ECAB 54 (1947).