

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WENDY A. SPENCER and U.S. POSTAL SERVICE,  
POST OFFICE, Middletown, OH

*Docket No. 97-2905; Submitted on the Record;  
Issued August 2, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs met its burden of proof in terminating appellant's compensation benefits as of September 30, 1996 on the grounds that appellant no longer had any residual disability as a result of her June 29, 1992 employment injury.

The Board has given careful consideration to the issue involved and the entire case record. The Board finds that the decision of the hearing representative of the Office, dated and finalized on August 18, 1997, is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the hearing representative.<sup>1</sup>

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<sup>1</sup> Once the Office has accepted 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 report of Dr. Michael A. Gureasko, a Board-certified psychiatrist and neurologist; see *Samuel Theriault*, 45 ECAB 586, 590 (1994).

The decisions of the Office of Workers' Compensation Programs dated August 18, 1997 and September 30, 1996 are hereby affirmed.

Dated, Washington, D.C.  
August 2, 1999

George E. Rivers  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member