

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PEARLINA S. STORY and DEPARTMENT OF VETERANS AFFAIRS,  
MEDICAL CENTER, Pittsburgh, Pa.

*Docket No. 97-777; Submitted on the Record;  
Issued February 12, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
DAVID S. GERSON

The issue is whether Appellant's disability causally related to her March 24, 1986 employment injury ended by August 18, 1996.

The Office of Workers' Compensation Programs accepted that appellant sustained a lumbar sprain on March 24, 1986 and appellant received continuation of pay followed by compensation for temporary total disability until she returned to light duty on May 20, 1986. Appellant resigned her position at the employing establishment on July 21, 1986, and the Office, after ascertaining from the employing establishment that light duty would not have been provided indefinitely, resumed payment of compensation for temporary total disability effective that date.

By decision dated August 8, 1996, the Office terminated appellant's compensation effective August 18, 1996 on the basis that the weight of the medical evidence established that appellant had recovered from the effects of the March 24, 1986 employment injury. Appellant requested reconsideration and the Office, by decision dated December 3, 1996, refused to modify its prior decision.

Once the Office accepts a claim, it has the burden of justifying termination or modification of compensation benefits. After it has determined that an employee has disability causally related to his or her federal employment, the Office may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.<sup>1</sup>

The Board finds that the Office met its burden of proof to terminate appellant's compensation effective August 18, 1996.

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<sup>1</sup> *Vivien L. Minor*, 37 ECAB 541 (1986); *David Lee Dawley*, 30 ECAB 530 (1979); *Anna M. Blaine*, 26 ECAB 351 (1975).

In a report dated December 13, 1995, Dr. Leland S. Blough, a Board-certified orthopedic surgeon to whom the Office referred appellant,<sup>2</sup> set forth appellant's history and findings on examination and reviewed the prior medical evidence. Dr. Blough concluded:

“DIAGNOSIS: Somatoform dysfunction manifested by widespread somatic complaints of headaches, left superior shoulder discomfort, nonspecific pattern of neck and back discomfort with neck and back movements, with no demonstrable abnormalities of organic nerve root distribution sensory, motor or reflex changes in the upper or lower extremities. (Observed and reported sensation reduction entire left lower extremity has the configuration of conversion reaction nonorganic sensory reduction.)

“There is no demonstrable pattern of neck, low back or thoracic spinal joint dysfunction to indicate any disc or facet joint abnormalities in neck or back and no demonstrable organic neurologic abnormalities to explain her symptomatology.

“On the basis of the examination today, December 13, 1995, I can find no objective demonstrable evidence of residual abnormalities following her reported 1986 back strain. (The reduced reflexes are compatible with depression which was not accepted as work related.)”

\* \* \*

“In my opinion, this lady has reached maximum medical improvement and is physically able to return to her prior 1986 work injury level of employment.”

The conclusions reached by Dr. Blough are consistent with those reached by Dr. F.X. Plunkett, a Board-certified orthopedic surgeon, to whom the Office referred appellant.<sup>3</sup> In a report dated June 14, 1994, Dr. Plunkett set forth appellant's history and findings on examination and reviewed her prior medical reports. Dr. Plunkett concluded:

“I can find no evidence whatsoever of any ongoing disability either from the work-related injury of March 24, 1986 or from any other injuries. This claimant, however, has had a multitude of back injuries.

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<sup>2</sup> Although the Office's referral letter referred to Dr. Blough as an impartial medical specialist resolving a conflict of medical opinion, the Board finds that Dr. Blough was not serving in this capacity, as there was no medical evidence supporting continuing employment-related disability at the time of the Office's referral to Dr. Blough.

<sup>3</sup> As with the referral to Dr. Blough, there was no medical evidence supporting continuing employment-related disability at the time of this referral, so that Dr. Plunkett did not serve as an impartial medical specialist, contrary to the Office's referral letter.

“As noted, I can find no evidence of any disability whatsoever and see no reason why this examinee should not return to her regular job as an LPN [licensed practical nurse] immediately.”

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“There is no need for any ongoing treatment or therapy. There is no residual disability.”

The reports from Drs. Blough and Plunkett constitute the weight of the medical evidence and are sufficient to establish that appellant’s disability causally related to her March 24, 1986 employment injury ended by August 18, 1996. The only medical report subsequent to 1992 that supports ongoing disability causally related to appellant’s March 24, 1986 employment injury is a report dated August 29, 1996 from Dr. Brent Clark, a Board-certified family practitioner. This report states in its entirety: “Patient seen by me. Has same work-related injury as March 24, 1986. There has been no change in lumbar spasm. No work until further notice.” This report is entitled to less weight than the reports of Drs. Plunkett and Blough because it contains no findings on examination to support disability and no rationale to support their opinions on causal relationship.<sup>4</sup> In addition, Dr. Clark, unlike Drs. Plunkett and Blough, is not a specialist in the appropriate field of medicine, orthopedic surgery.<sup>5</sup>

The decisions of the Office of Workers’ Compensation Programs dated December 3 and August 8, 1996 are affirmed.

Dated, Washington, D.C.  
February 12, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

David S. Gerson  
Member

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<sup>4</sup> In a report dated May 19, 1992, Dr. Clark, in his only other opinion on causal relation, stated, “If symptoms first appeared in March 1986, there is a good possibility this is work related.”

<sup>5</sup> Opinions of physicians who have training and knowledge in a specialized medical field have greater probative value concerning medical questions peculiar to that field than the opinions of other physicians. *Mary S. Brock*, 40 ECAB 461 (1989).