

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of ROBERT D. GILLIAM and DEPARTMENT OF THE AIR FORCE,  
HANSCOM AIR FORCE BASE, MA

*Docket No. 97-2838; Submitted on the Record;  
Issued July 22, 1999*

---

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issues are: (1) whether the Office of Workers' Compensation Programs met its burden of proof to terminate appellant's compensation benefits effective January 10, 1996; and (2) whether appellant has met his burden of proof in establishing any continuing condition or disability causally related to his accepted employment injury on or after January 10, 1996.

The Board has duly reviewed the case on appeal and finds that the Office met its burden of proof to terminate appellant's compensation benefits.

Appellant filed a claim alleging that, on August 31, 1994, he injured his right knee in the performance of duty. The Office accepted appellant's claim for right knee strain. In a letter dated December 7, 1995, the Office proposed to terminate appellant's compensation benefits. By decision dated January 11, 1996, the Office terminated appellant's compensation and medical benefits beginning January 10, 1996. Appellant requested an oral hearing and by decision dated May 29, 1997, the hearing representative affirmed the Office's January 11, 1996 decision.

Once the Office accepts a claim, it has the burden of proving that the disability has ceased or lessened to order to justify termination or modification of compensation benefits.<sup>1</sup> 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>2</sup> Furthermore, the right to medical benefits for an accepted condition is not limited to the period of entitlement for disability.<sup>3</sup> To

---

<sup>1</sup> *Mohamed Yunis*, 42 ECAB 325, 334 (1991).

<sup>2</sup> *Id.*

<sup>3</sup> *Furman G. Peake*, 41 ECAB 361, 364 (1990).

terminate authorization for medical treatment, the Office must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.<sup>4</sup>

In this case, Dr. Anthony A. Schepsis, a Board-certified orthopedic surgeon, diagnosed persistent lateral knee pain, chondromalacia and sprain of the anterior cruciate ligament. He indicated with a checkmark “yes” that these conditions were causally related to appellant’s accepted employment injury. The Board has held that an opinion on causal relationship which consists only of a physician checking “yes” to a medical form report question on whether the claimant’s disability was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.<sup>5</sup>

The Office referred appellant to Dr. Hyman Glick, a Board-certified orthopedic surgeon, for a second opinion evaluation. In a report dated November 20, 1995, Dr. Glick noted appellant’s history of injury, medical history and performed a physical examination. He diagnosed bilateral chondromalacia of the patellae associated with hypermobile patellae. He stated that appellant had no residuals due to the employment injury and attributed appellant’s continuing condition to an underlying anatomical abnormality. Dr. Glick concluded that appellant could perform the duties of a laborer, his date-of-injury position.

The Board finds that the weight of the medical opinion evidence rests with Dr. Glick’s well-rationalized narrative report. Dr. Glick provided a history of injury, appellant’s medical history, including reviewing the result of a magnetic resonance imaging (MRI) scan, as well as performing a physical examination. He noted that appellant’s patellae were hypermobile and found subpatellar crepitation palpable and audible as the patellae were slid on the trochleas. Dr. Glick opined that appellant had bilateral chondromalacia of the patellae associated with hypermobile patellae and found no signs of ligament or meniscal tear. He stated, “I believe that there is an underlying anatomical problem consisting of patellar laxity which has predisposed him to bilateral chondromalacia of the patellae.” As these findings demonstrate, Dr. Glick provided reasoning to support his conclusion that appellant’s current condition and medical restrictions were not due to his accepted employment injury.

As Dr. Schepsis failed to provide any reasoning in support of his opinion that appellant’s continuing condition and disabled were related to his accepted employment injury, his report is not sufficient to create a conflict with the detailed and well-rationalized report of Dr. Glick and the Office met its burden of proof to terminate appellant’s compensation benefits.

The Board further finds that appellant failed to meet his burden of proof in establishing continuing disability causally related to his accepted employment injury.

As the Office met its burden of proof to terminate appellant’s compensation benefits, the burden shifted to appellant to establish that he had disability causally related to his accepted

---

<sup>4</sup> *Id.*

<sup>5</sup> *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

employment injury.<sup>6</sup> To establish a causal relationship between the condition, as well as any disability claimed and the employment injury, the employee must submit rationalized medical opinion evidence, based on a complete factual background, supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.<sup>7</sup>

Following the Office's January 11, 1996 decision, appellant submitted additional medical evidence including a narrative report from Dr. Schepsis dated February 18, 1997. Dr. Schepsis noted appellant's history of injury, reviewed his medical notes and diagnosed right knee sprain with questionable sprain of the anterior cruciate ligament and questionable traumatic chondromalacia. He stated, "There is a direct causal relationship between the accident and the onset of symptoms." Dr. Schepsis provided also appellant's work restrictions.

Although this report provides a history of injury, physical findings and an opinion on the causal relationship between the diagnosed conditions and disability and appellant's accepted employment injury, Dr. Schepsis failed to provide any medical reasoning or point to specific physical findings in support of his conclusion. Without the necessary medical rationale explaining why and how Dr. Schepsis believes that appellant's current condition and disability are related to the accepted employment injury rather than to a preexisting condition as supported by Dr. Glick, this report is not sufficient to create conflict with the well-reasoned report from Dr. Glick or to establish appellant's continuing disability.

---

<sup>6</sup> *George Servetas*, 43 ECAB 424, 430 (1992).

<sup>7</sup> *James Mack*, 43 ECAB 321 (1991).

The decision of the Office of Workers' Compensation Programs dated May 29, 1997 is hereby affirmed.

Dated, Washington, D.C.  
July 22, 1999

George E. Rivers  
Member

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member