

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARTHA A. WELLS and U.S. POSTAL SERVICE,
POST OFFICE, Capitol Heights, MD

*Docket No. 98-263; Submitted on the Record;
Issued November 26, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs met its burden of proof to terminate appellant's compensation benefits.

In the present case, the Office has accepted that appellant, then a 34-year-old postal distribution clerk, sustained allergic conjunctivitis of both eyes and chalazia of the right eye due to exposure to dust and dirt in the performance of her federal employment on or about March 24, 1994. The Office terminated appellant's compensation benefits by decision dated November 12, 1996 on the grounds that appellant was no longer disabled for work due to effects of the accepted injury/condition. An Office hearing representative affirmed the termination of appellant's compensation benefits on October 3, 1997.

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 disabling condition has ceased or that it is no longer related to the employment.¹

The Board has duly reviewed the case record and finds that the Office met its burden of proof to terminate benefits in this case.

In the present case, appellant underwent surgical removal of the right upper lid chalazia on April 21, 1994. She thereafter intermittently missed work until June 17, 1994, when she stopped work. The Office authorized removal of lesions from both eyes in November 1994; however, appellant declined further surgery. Appellant returned to work in a suitable work position on April 15, 1996 as an office assistant. The Office determined that appellant's actual

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

wages represented her wage-earning capacity and commenced payment of compensation based upon her loss of wage-earning capacity resulting from loss of Sunday and premium pay.

On June 11, 1996 appellant's treating physician, Dr. Paul A. Dorn, Jr., reported that he had not examined appellant for a year and a half, and that he was therefore unable to give his professional opinion regarding her current condition. On June 25, 1996 the Office referred appellant to Dr. William Gonzales for a second opinion evaluation.

In a report dated July 11, 1996, Dr. Gonzales stated his examination findings as follows:

“At the time of this examination, her best correctable vision in the right eye was 20/20, and in the left eye 20/20-1. With a slightly myopic prescription. Her intraocular pressures were well within normal limits. External ocular examination was unremarkable. Slit lamp biomicroscopy revealed old scars in the tarsal conjunctiva superiorly, likely the result of previous chalazia surgery. There was no evidence of active chalazia. Examination of both the tarsal and bulbar conjunctive revealed minimal conjunctival inflammation. There was a small amount of scarring of the right upper lid supratemporally, suggestive of a beginning chalazia or an old chalazia with resultant scarring. Dilated fundoscopy revealed normal to disc rations, sharp optic nerve margins, normal appearing vessels, and an intact periphery.”

In assessing medical opinion evidence, the weight to be accorded such medical evidence is determined by its reliability, its probative value, and its convincing quality. The opportunity for and thoroughness of examination, the accuracy and completeness of the physician's knowledge of the facts and medical history, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion are factors which enter into this evaluation.² Dr. Gonzales' report evidences a thorough medical evaluation and a complete understanding of appellant's history of injury and medical treatment. He explained his conclusion, with supporting rationale, that appellant did not have permanent impairment to her vision or to her eyes. Dr. Gonzales also explained that given appellant's history, she was susceptible to the development of chalazia, and that she could suffer from recurrent chalazia, regardless of her work environment. He concluded that appellant had no evidence of active chalazia and he opined that if appellant did develop recurrent chalazia it would not be the result of her employment duties.

On September 11, 1996 the Office issued appellant a notice of proposed termination of compensation. The Office informed appellant that her compensation benefits would be terminated in 30 days unless she submitted additional factual and/or medical evidence which established that she in fact remained disabled. Appellant did not submit any further medical evidence to the record.

As the report from Dr. Gonzales constituted the only current medical evidence of record, and as his report was of probative medical value, the Office properly terminated appellant's

² See *Cleopatra McDougal-Saddler*, 47 ECAB 480 (1996).

compensation benefits based upon Dr. Gonzales' conclusion that appellant was no longer disabled due to the accepted condition.

The decision of the Office of Workers' Compensation Programs dated October 3, 1997 is hereby affirmed.

Dated, Washington, D.C.
November 26, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member