

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LINDA R. LYONS and DEPARTMENT OF AGRICULTURE,
NATURAL RESOURCES CONSERVATION SERVICE, Alexandria, LA

*Docket No. 00-2453; Submitted on the Record;
Issued August 7, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
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 February 17, 1999 on the basis that she no longer had any ongoing objective neurological condition or disability causally related to her June 28, 1991 employment injury.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office dated April 13, 2000 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ 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 opinion of Dr. David R. Cooper, a Board-certified orthopedic surgeon and impartial medical examiner. See *Gary R. Sieber*, 46 ECAB 215, 225 (1994).

The April 13, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 7, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member