

U. S DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LESLIE C. JACKSON and U.S. POSTAL SERVICE,
POST OFFICE, Dallas, TX

*Docket No. 00-2764; Submitted on the Record;
Issued June 20, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
PRISCILLA ANNE SCHWAB

The issue is whether the Office of Workers' Compensation Programs properly terminated appellant's compensation.

On July 10, 1999 appellant, then a 34-year-old flat sorter clerk, sustained a traumatic injury at work when a metal gate fell on the back of her left leg and heel. The Office accepted her claim for left ankle contusion and lumbar strain and paid appropriate compensation.

The Office referred appellant, the medical record and a statement of accepted facts to Dr. Bernie L. McCaskill, an orthopedist, for a second opinion evaluation. In a report dated December 28, 1999, Dr. McCaskill related appellant's history of injury and complaints and his findings on physical examination. He diagnosed spondylogenic lumbosacral spine pain, chronic, anatomic, etiology undetermined (by history); and left calf and heel pain, chronic, anatomic, etiology undetermined (by history).

Responding to questions posed by the Office, Dr. McCaskill found no objective residuals of either a left ankle contusion or lumbar strain. He saw no objective basis to report that appellant currently had any physical limitations. Dr. McCaskill completed a work capacity evaluation form indicating that appellant could return to full duty without restrictions.

In a decision dated July 24, 2000, the Office, after providing appellant notice and an opportunity to respond, terminated appellant's compensation effective August 12, 2000. The Office found that the weight of the medical evidence rested with Dr. McCaskill and established that appellant was no longer disabled from performing her date-of-injury job.

The Board finds that the Office properly terminated appellant's compensation.

Once the Office accepts a claim, it has the burden of proof to justify termination or modification of compensation benefits.¹ 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.²

In this case, the weight of the medical opinion evidence establishes that appellant no longer suffers residuals of her accepted employment injuries. Dr. McCaskill, the Office referral physician, reported that there were currently no objective residuals of either a left ankle contusion or lumbar strain, and no objective findings that appellant currently had any physical limitations. He reported that appellant could return to full duty without restrictions.

The Office provided Dr. McCaskill with the medical record and a statement of accepted facts so he could base his opinion on an accurate factual and medical background. Although his responses to the questions posed were brief, they are supported by his negative findings on examination. The record contains no medical opinion evidence to the contrary. Therefore, the Board finds that the Office met its burden of proof to justify the termination of appellant's compensation benefits.

The July 24, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
June 20, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member

¹ *Harold S. McGough*, 36 ECAB 332 (1984).

² *Vivien L. Minor*, 37 ECAB 541 (1986); *David Lee Dawley*, 30 ECAB 530 (1979); *Anna M. Blaine*, 26 ECAB 351 (1975).