

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DANIEL CASTRO and U.S. POSTAL SERVICE, SOUTH FLORIDA
PROCESSING & DISTRIBUTION CENTER, Pembroke Pines, FL

*Docket No. 01-1969; Submitted on the Record;
Issued June 25, 2002*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly terminated appellant's wage-loss compensation, effective July 11, 2000, on the grounds that he refused an offer of suitable employment.

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 May 2, 2001 and finalized May 7, 2001 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ Once the Office accepts a claim it has the burden of justifying termination or modification of compensation. *Frank J. Mela, Jr.*, 41 ECAB 115 (1989). Under 5 U.S.C. § 8106(c)(2) the Office may terminate the compensation of an employee who refuses or neglects to work after suitable work is offered to, procured by, or secured for the employee. *Patrick A. Santucci*, 40 ECAB 151 (1988). To justify termination of compensation the Office must show that the work offered was suitable, *Arthur C. Reck*, 47 ECAB 339 (1996), and must inform appellant of the consequences of refusal to accept such employment, *Maggie L. Moore*, 42 ECAB 484 (1991), *reaff'd on recon.*, 43 ECAB 818 (1992). An employee who refuses or neglects to work after suitable work has been offered or secured has the burden of showing that such refusal or failure to work was reasonable or justified. 20 C.F.R. § 10.517(a) (1999).

The May 7, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
June 25, 2002

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member