

On May 21, 2003 Dr. William B. Geissler, Board-certified in orthopedic surgery, performed arthroscopic surgery on appellant's left knee. In a report dated June 18, 2003, he stated that she had started a physical therapy program for her knee and was scheduled to return in five weeks, at which time she was expected to be cleared to return to work.

In a report dated September 22, 2003, Dr. Geissler noted that appellant had recently complained of low back pain and had asserted that she was off work for conditions other than her accepted left knee condition. With regard to her knee condition, Dr. Geissler discharged appellant from physical therapy and found that she had reached maximum medical improvement with a four percent permanent impairment of the left lower extremity. In an October 15, 2003 report, he stated that she should be discharged from physical therapy for her left knee and advised that physical examination of the knee showed no joint effusion. Dr. Geissler opined that the knee was stable to varus and valgus stress. He reiterated that appellant was at maximum medical improvement and that there were no work restrictions for her left knee.

On March 17, 2004 the Office issued a notice of proposed termination of compensation to appellant. The Office found that the weight of the medical evidence, as represented by the September 22 and October 15, 2003 reports by Dr. Geissler, the attending physician, established that her accepted employment-related left knee conditions had resolved and that she had no residuals. The Office allowed appellant 30 days to submit additional evidence or legal argument in opposition to the proposed termination. She did not submit any additional evidence.

By decision dated April 19, 2004, the Office terminated appellant's compensation, finding that Dr. Geissler's opinion represented the weight of the medical evidence.¹

LEGAL PRECEDENT

Once the Office accepts a claim, it has the burden of proving that the disability has ceased or lessened in order to justify termination or modification of compensation benefits.² 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.³

ANALYSIS

The Office based its decision to terminate appellant's compensation on the reports of Dr. Geissler, an attending physician, who performed surgery on her left knee on May 21, 2003. In a June 18, 2003 report, he noted that her left knee was progressing well and expected appellant to return to work within five weeks. On September 22, 2003 Dr. Geissler discharged her from physical therapy for her left knee and found that she had reached maximum medical

¹ Additional evidence was submitted to the Office following the final decision. As this evidence was not before the Office at the time of its final decision, this evidence may not be reviewed by the Board on appeal. 20 C.F.R. § 501.2(c).

² *Mohamed Yunis*, 42 ECAB 325, 334 (1991).

³ *Id.*

improvement with a four percent permanent impairment of the left lower extremity. Although Geissler stated that appellant had complained of low back pain and had asserted that she was off work for conditions other than her accepted left knee condition, the Board notes that her claim was not accepted for a low a back condition. On October 15, 2003 Dr. Geissler reiterated that appellant was discharged from physical therapy for her left knee condition and stated that physical examination of the knee showed no joint effusion and stability on varus and valgus stress testing. He opined that there were no work restrictions regarding her left knee and that appellant had reached maximum medical improvement.

The Board finds that the opinion of Dr. Geissler constitutes the weight of the medical evidence of record. He found that appellant's left knee condition had resolved and that she no longer had any disability residuals from her employment injury. The Board will affirm the Office's April 19, 2004 decision terminating appellant's compensation.

CONCLUSION

The Board finds that the Office met its burden of proof to terminate appellant's compensation benefits.

ORDER

IT IS HEREBY ORDERED THAT the April 22, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 25, 2005
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member