

that appellant could perform limited-duty work beginning March 16, 2004.¹ Subsequently, Dr. Taras discharged appellant from his care and released her to return to regular work effective May 11, 2004. Appellant, however, did not resume work.

Based on Dr. Taras' opinion, the Office terminated appellant's wage-loss compensation effective May 11, 2004. The Office's January 12, 2005 decision terminating compensation was affirmed by a hearing representative on January 31, 2006. In a decision dated July 7, 2006, the Board affirmed the hearing representative's decision.²

On September 22, 2006 appellant requested reconsideration. In an August 1, 2006 report, Dr. Steven J. Valentino, a Board-certified orthopedic and reconstructive spine surgeon, noted that he first treated appellant on May 26, 2004. He provided numerous reports that were previously considered by both the Office and the Board.³ Most recently, Dr. Valentino reiterated his opinion that appellant's January 26, 2004 fall at work caused a bilateral wrist sprain and aggravated the carpometacarpal (CMC) arthritis about the right wrist. He recommended that appellant undergo surgery to remove the right CMC joint. Absent surgery, appellant was disabled from gainful employment involving the use of her right hand.

By decision dated April 19, 2007, the Office reviewed the claim on the merits, but denied modification of the decision terminating wage-loss compensation effective May 11, 2004.

LEGAL PRECEDENT

Once the Office accepts a claim and pays compensation, it bears the burden to justify modification or termination of benefits.⁴ 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.⁵ After termination or modification of compensation benefits, clearly warranted on the basis of the evidence, the burden for reinstating compensation benefits shifts to appellant.⁶

ANALYSIS

The Board previously affirmed the Office's decision to terminate wage-loss compensation effective May 11, 2004. The remaining question is whether appellant demonstrated that she has employment-related residuals after May 11, 2004.

¹ Dr. Taras is a Board-certified orthopedic surgeon specializing in hand surgery.

² Docket No. 06-909 (issued July 7, 2006). The Board's July 7, 2006 decision is incorporated herein by reference.

³ Many of Dr. Valentino's earlier reports, which covered the period of May 2004 to December 2005, are described in detail in the Board's prior decision dated July 7, 2006.

⁴ *Curtis Hall*, 45 ECAB 316 (1994).

⁵ *Jason C. Armstrong*, 40 ECAB 907 (1989).

⁶ *Joseph A. Brown Jr.*, 55 ECAB 542, 544 n.5 (2004).

The only relevant medical evidence submitted since the Board's previous review was Dr. Valentino's August 1, 2006 report. In this latest report, he reiterated his earlier finding that appellant's January 26, 2004 fall aggravated her right CMC joint arthritis. But much like the earlier reports, Dr. Valentino's August 1, 2006 opinion lacks adequate rationale to support his opinion on causation. He stated that it was "clear" the work-related injury was responsible for aggravating appellant's arthritis. However "clear" the relationship may be in Dr. Valentino's estimation, he nonetheless failed to explain how the two were connected.

In his August 1, 2006 report, Dr. Valentino referenced a number of x-ray reports, magnetic resonance imaging scans and bone scans from May and June 2004 that documented appellant's right wrist degenerative arthritic condition. But there was one x-ray he omitted from his discussion. A July 28, 2004 right hand x-ray similarly showed osteoarthritis of the first carpometacarpal articulation. However, the Board-certified radiologist who reviewed this particular film also noted that there was "[n]o evidence of post-traumatic change." This x-ray report tends to detract from Dr. Valentino's long-held view that appellant's January 26, 2004 fall aggravated her preexisting degenerative arthritis.

Dr. Valentino did not fail to explain his opinion and omitted relevant contradictory evidence from his analysis. As such, his August 1, 2006 report is insufficient to satisfy appellant's burden for reinstating compensation following the Office's proper termination effective May 11, 2004.

CONCLUSION

The Board finds that appellant failed to establish that she has any injury-related residuals after May 11, 2004.

ORDER

IT IS HEREBY ORDERED THAT the April 19, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 25, 2008
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board