



In a report dated November 3, 2009, Dr. Morris A. Blount, Jr., a psychiatrist, stated that appellant had developed major depressive disorder, single episode. He advised that she was experiencing anxiety, psychomotor agitation, limited concentration, insomnia, panic attacks and depressed mood. Dr. Blount asserted that appellant's major depressive disorder, single episode, was caused by her job, including: a continually increasing workload outside of her job duties; being asked to train another employee; and having no job description while performing all of these tasks. He found that appellant was not able to work at any job at the employing establishment due to a likely reoccurrence of her above symptoms. Dr. Blount advised that her mental condition had gradually returned to normal limits due to treatment and medication. On November 18, 2009 the Office accepted the claim for major depressive disorder, single episode.

On November 23, 2009 appellant filed two CA-7 forms, claims for compensation for intermittent periods of disability from August 26, 2008 to January 2, 2010.

In a January 5, 2010 report, Dr. Blount stated that he had most recently examined appellant on October 27, 2009 and his depressive episode had resolved. He related that she did not show any signs that she was unable to work or required any special accommodations. Dr. Blount advised, however, that due to the severity of appellant's presenting symptoms and their relationship to her workplace, her symptoms could recur if she was exposed to the same job conditions.

By decision dated January 15, 2010, the Office found that appellant's major depressive disorder had resolved as of October 27, 2009 and that she did not require any additional treatment for her accepted condition. On January 22, 2010 the Office paid compensation from August 26, 2008 to October 27, 2009. Compensation after October 27, 2009 was denied.

### **LEGAL PRECEDENT**

Once the Office has accepted a claim, it has the burden of justifying termination or modification of compensation benefits.<sup>1</sup> The Office may not terminate compensation without establishing that disability ceased or that it was no longer related to the employment.<sup>2</sup> Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.<sup>3</sup>

The right to medical benefits for an accepted condition is not limited to the period of entitlement to compensation for disability. To terminate authorization for medical treatment, the Office must establish that an employee no longer has residuals of an employment-related condition which require further medical treatment.<sup>4</sup>

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<sup>1</sup> *I.J.*, 59 ECAB 408 (2008); *Fermin G. Olascoaga*, 13 ECAB 102, 104 (1961).

<sup>2</sup> *J.M.*, 58 ECAB 478 (2007); *Anna M. Blaine*, 26 ECAB 351 (1975).

<sup>3</sup> *T.P.*, 58 ECAB 524 (2007); *Larry Warner*, 43 ECAB 1027 (1992).

<sup>4</sup> *T.P.*, *id.*; *Furman G. Peake*, 41 ECAB 361, 364 (1990).

The fact that the Office accepted an employee's claim for a specified period of disability does not shift the burden of proof to the employee. The burden is on the Office with respect to the period subsequent to the date of termination or modification.<sup>5</sup>

### ANALYSIS

On November 18, 2009 the Office accepted that appellant sustained a May 2, 2008 major depressive disorder, single episode. The Board finds that the Office met its burden of proof to terminate compensation benefits as of October 27, 2009.<sup>6</sup>

The medical evidence consists of reports from appellant's treating physician, Dr. Blount, who stated in a November 3, 2009 report that appellant had developed a condition of major depressive disorder, single episode which was caused by her job conditions. He explained that appellant's mental condition had gradually returned to normal limits due to treatment and medication. On January 5, 2010 Dr. Blount found that appellant's major depressive disorder, single episode, had resolved as of October 27, 2009, the date of his most recent examination. Appellant did not show any signs that she was unable to work or required any special accommodations.

Dr. Blount's opinion supports the Office's finding that appellant's accepted condition resolved as of October 27, 2009, and did not cause any continuing disability. He noted that appellant's psychiatric symptoms could recur if she was exposed to the same work conditions; however, the Board has consistently held that fear of future injury is not compensable.<sup>7</sup>

The Board finds that the Office properly relied on the opinion of Dr. Blount to terminate appellant's compensation benefits. The weight of the medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of the physician's knowledge of the facts of the case, the medical history provided, the care of analysis manifested and the medical rationale expressed in support of stated conclusions.<sup>8</sup> As the attending physician, Dr. Blount's opinion is probative, rationalized and based upon a proper factual background. He fully discussed the history of injury which indicated that appellant's disability had resolved as of October 27, 2009. The Board therefore finds that Dr. Blount's opinion constituted sufficient medical rationale to support the Office's January 15, 2010 decision terminating benefits.

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<sup>5</sup> *Elsie L. Price*, 54 ECAB 734, 739 (2003); *George J. Hoffman*, 41 ECAB 135, 140 (1989).

<sup>6</sup> The Board notes that the Office did not issue a pretermination notice in this case. Pursuant to the Federal (FECA) Procedure Manual at Chapter 2.1400.6, *When to Issue Pre-Termination and Pre-Reduction Notices*, a pretermination notice is required where benefits are being paid on the periodic rolls. Appellant received a lump-sum payment and was not paid on the periodic rolls or on the daily roll over a period of time. Notice is also not required to terminate medical benefits if the treating physician indicates that further medical treatment is not necessary.

<sup>7</sup> *See Calvin E. King*, 51 ECAB 394 (200).

<sup>8</sup> *See Ann C. Leanza*, 48 ECAB 115 (1996).

**CONCLUSION**

The Board finds that the Office met its burden to establish that appellant's accepted condition of single episode, depressive disorder resolved as of October 27, 2009.

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 15, 2010 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 7, 2011  
Washington, DC

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

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board