

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MILTON L. HASKINS and VETERANS ADMINISTRATION,
CLEVELAND VETERANS HOSPITAL, Cleveland, Ohio

*Docket No. 96-899; Submitted on the Record;
Issued March 24, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant is entitled to compensation benefits after October 17, 1993.

On the prior appeal of this case,¹ the Board found that the Office of Workers' Compensation Programs properly terminated appellant's compensation benefits effective October 17, 1993. The Board found that the August 18, 1993 report of Dr. Byron K. Hoffman, the Board-certified orthopedist selected to resolve a conflict, contained a well-rationalized opinion negating any continuing orthopedic residuals due to the accepted employment injury. This report carried special weight and justified the Office's termination of compensation benefits.

Appellant requested reconsideration and submitted an October 25, 1995 work restriction evaluation form completed by Dr. Billy L. Brown, an internist.

In a decision dated December 27, 1995, the Office reviewed the merits of appellant's claim and denied modification of its prior decision.

The Board finds that the weight of the medical evidence fails to establish appellant's entitlement to compensation benefits after October 17, 1993.

Where the Office meets its burden of proof in justifying termination of compensation benefits, the burden is on the claimant to establish that any subsequent disability is causally related to the accepted employment injury.²

¹ Docket No. 94-621 (issued October 4, 1995).

² *Wentworth M. Murray*, 7 ECAB 570 (1955) (after a termination of compensation payments, warranted on the basis of the medical evidence, the burden shifts to the claimant to show by the weight of the reliable, probative and

The work restriction evaluation submitted to support appellant's request for reconsideration does not relate the restrictions to the accepted employment injury. The evaluation form, in fact, makes no mention of the employment injury. The Board finds that this form report is wholly insufficient either to overcome the weight of the medical opinion evidence as represented by the well-rationalized report of the impartial medical specialist or to create a conflict therewith.³

The December 27, 1995 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
March 24, 1998

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

substantial evidence that, for the period for which he claims compensation, he had a disability causally related to the employment resulting in a loss of wage-earning capacity). *Maurice E. King*, 6 ECAB 35 (1953).

³ *Josephine L. Bass*, 43 ECAB 929 (1992).