

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LAWRENCE J. DIETHORN and U.S. POSTAL SERVICE,
POST OFFICE, Pittsburgh, Pa.

*Docket No. 97-1541; Submitted on the Record;
Issued June 21, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs met its burden of proof to terminate appellant's compensation effective December 10, 1995.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office dated January 6, 1997 affirming the Office's December 7, 1995 decision terminating appellant's compensation is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

The January 6, 1997 decision of the Office of Workers' Compensation Programs' hearing representative is hereby affirmed.¹

Dated, Washington, D.C.
June 21, 1999

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ The Board notes that subsequent to the Office hearing representative's January 6, 1997 decision, the Office received additional medical evidence. The Board, however, cannot consider evidence that was not before the Office at the time of the final decision; *see* 20 C.F.R. § 501.2(c)(1).