

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES R. STARNATER and DEPARTMENT OF AGRICULTURE,
FOOD SAFETY INSPECTION SERVICE, San Angelo, TX

*Docket No. 99-1234; Submitted on the Record;
Issued October 27, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issues are: (1) whether the Office of Workers' Compensation Programs properly determined that an overpayment existed in the amount of \$4,959.40; (2) whether the Office properly found that appellant was without fault in the creation of the overpayment; and (3) whether the Office properly denied waiver of the overpayment.

The Board has given careful consideration to the issues involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the Office hearing representative dated December 17, 1998 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 decision of the Office of Workers' Compensation Programs dated December 17, 1998 is hereby affirmed.

Dated, Washington, D.C.
October 27, 1999

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member