

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of EDGAR E. MITCHELL and DEPARTMENT OF AGRICULTURE,  
FOOD SAFETY INSPECTION SERVICE, Grand Island, NE

*Docket No. 99-1212; Submitted on the Record;  
Issued August 21, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an upper respiratory disease in the performance of duty.

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 of Workers' Compensation Programs dated November 2, 1998 and finalized November 3, 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 November 2, 1998 and finalized November 3, 1998 is hereby affirmed.

Dated, Washington, D.C.  
August 21, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Member

A. Peter Kanjorski  
Alternate Member