

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KARRY G. HARDMAN and U.S. POSTAL SERVICE,
POST OFFICE, Great Falls, MT

*Docket No. 99-1258; Submitted on the Record;
Issued August 22, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has met his burden of proof in establishing that he sustained an emotional condition in the performance of duty.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the December 7, 1998 decision of the Office of Workers' Compensation Programs' hearing representative is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ On appeal, appellant through his representative submitted new evidence. As the Office did not consider this in reaching a final decision, the Board may not consider it for the first time on appeal. 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated December 7, 1998 is hereby affirmed.

Dated, Washington, D.C.
August 22, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

Valerie D. Evans-Harrell
Alternate Member