

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of KENNETH H. PINKUS and DEPARTMENT OF THE NAVY,  
MARINE CORPS AIR STATION, Cherry Point, NC

*Docket No. 98-1632; Submitted on the Record;  
Issued January 14, 2000*

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DECISION and ORDER

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

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury while 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 January 29, 1998 decision of the hearing representative of the Office of Workers' Compensation Programs, finalized on February 2, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.<sup>1</sup>

The decision of the Office of Workers' Compensation Programs dated January 29, 1998 and finalized on February 2, 1998 is hereby affirmed.

Dated, Washington, D.C.  
January 14, 2000

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>1</sup> See Robert S. Winchester, 45 ECAB 135 (1993).