

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of NICHOLAS J. ESS and U.S. POSTAL SERVICE,  
MAIN POST OFFICE, Fort Wayne, IN

*Docket No. 98-2249; Submitted on the Record;  
Issued July 12, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
MICHAEL E. GROOM

The issue is whether appellant 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 decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized May 4, 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.<sup>1</sup>

The decision of the Office of Workers' Compensation Programs dated and finalized May 4, 1998 is hereby affirmed.

Dated, Washington, D.C.  
July 12, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>1</sup> Subsequent to the issuance of the Office's May 4, 1998 decision, appellant submitted additional evidence. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).