

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONALD R. HANDLEY and TENNESSEE VALLEY AUTHORITY,
CUMBERLAND FOSSIL PLANT, Cumberland City, TN

*Docket No. 99-2581; Submitted on the Record;
Issued October 23, 2000*

DECISION and ORDER

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

The issue is whether appellant has established that he sustained a hearing loss causally related to noise exposure in his federal employment.

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 June 17, 1999 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 June 17, 1999 is hereby affirmed.¹

Dated, Washington, DC
October 23, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

¹ Following the Office hearing representative's June 17, 1999 decision, by letters dated August 6, 1999, appellant simultaneously requested review from both the Office and the Board. In a decision dated August 30, 1999, the Office found appellant's request for reconsideration insufficient to warrant reopening the claim for merit review. The Board finds that the Office's August 30, 1999 decision, issued subsequent to appellant's August 6, 1999 appeal to the Board, is null and void as both the Board and the Office cannot have jurisdiction over the same issue in the same case. 20 C.F.R. § 501.2(c); *Douglas E. Billings*, 41 ECAB 880 (1990).