

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOSEPH GUTIERREZ and U.S. POSTAL SERVICE,  
POST OFFICE, Woodland Hills, CA

*Docket No. 00-592; Submitted on the Record;  
Issued January 24, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, PRISCILLA ANNE SCHWAB,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant sustained an injury in the performance of his federal duties.

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 September 20, 1999 decision of the Office of Workers' Compensation Programs 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>

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<sup>1</sup> *Cheryl Bowman*, 51 ECAB \_\_\_ (Docket No. 99-1097, May 16, 2000) (appellant was not in the performance of duty when struck by a moving vehicle in a public street when she had clocked out and there was no evidence that the employing establishment owned, controlled or had managerial responsibility over the area where the injury occurred).

The September 20, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
January 24, 2001

David S. Gerson  
Member

Priscilla Anne Schwab  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member