

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARK E. PALMATEER and U.S. POSTAL SERVICE,
POST OFFICE, East Hartford, CT

*Docket No. 00-963; Submitted on the Record;
Issued March 12, 2001*

DECISION and ORDER

Before DAVID S. GERSON, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant met his burden of proof to establish that he sustained an emotional condition 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 decision of the hearing representative of the Office of Workers' Compensation Programs, dated and finalized September 30, 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.¹

¹ On appeal appellant alleged that the Office violated its procedure by not giving adequate weight to his statements. The Board notes that the Office appropriately weighed appellant's statements in conjunction with the other factual evidence of record. Appellant also alleged that the Office wrongly failed to consider an affidavit produced by an attending physician. The Board notes that appellant did not establish any compensable employment factors and therefore it was not necessary for the Office to consider the medical evidence of record; *see Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

The decision of the Office of Workers' Compensation Programs, dated and finalized September 30, 1999, is affirmed.

Dated, Washington, DC
March 12, 2001

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member