

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THEODORE W. MAKSE and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS MEDICAL CENTER, Cleveland, OH

*Docket No. 99-1379; Submitted on the Record;
Issued December 5, 2000*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether the Office of Workers' Compensation Programs properly reduced appellant's compensation for loss of wage-earning capacity effective March 17, 1998, based on his actual earnings from the position of pharmacy aide, which fairly and reasonably represented appellant's wage-earning capacity.

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 January 7, 1999 decision of the Office's hearing representative is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

The decision of the Office of Workers' Compensation Programs dated January 7, 1999 is hereby affirmed.

Dated, Washington, DC
December 5, 2000

David S. Gerson
Member

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member