

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KENNETH ASH and U.S. POSTAL SERVICE,
POST OFFICE, Elmsford, N.Y.

*Docket No. 96-2663; Submitted on the Record;
Issued November 4, 1998*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury in the performance of duty on May 9, 1995, as alleged.

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 August 1, 1996 decision of the Office of Workers' Compensation Programs' 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 decisions of the Office of Workers' Compensation Programs dated August 1, 1996 and September 19, 1995 are hereby affirmed.¹

Dated, Washington, D.C.
November 4, 1998

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ The Board notes that appellant filed a notice of recurrence of disability on May 22, 1995 which was not adjudicated by the Office and, therefore, is not before the Board.