

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLORIA A. JOHNSON and U.S. POSTAL SERVICE,
POST OFFICE, Washington, D.C.

*Docket No. 96-1478; Submitted on the Record;
Issued September 10, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
A. PETER KANJORSKI

The issues are: (1) whether appellant received a \$6,593.75 overpayment of compensation for the period January 12, 1991 to October 15, 1994; (2) whether the Office of Workers' Compensation Programs abused its discretion by refusing to waive recovery of the overpayment; and (3) whether the Office properly required repayment of the overpayment by deducting \$100.00 from appellant's compensation payments every month.

The Board has given careful consideration to the issues 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 dated and finalized February 12, 1996 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 indicated that her monthly expenses had increased, but the Board cannot consider such evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated and finalized February 12, 1996 is affirmed.

Dated, Washington, D.C.
September 10, 1998

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member