

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOHN TERNULLO and DEPARTMENT OF THE NAVY,  
NAVAL UNDERSEA WARFARE CENTER, Newport, RI

*Docket No. 99-371; Submitted on the Record;  
Issued April 25, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant sustained an emotional condition in the performance of duty on or before June 6, 1998.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on July 10, 1998, 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> By memorandum dated December 28, 1998, the Office transmitted the case record to the Board. The memorandum stated that the case record consisted of 489 numbered pages; however, the Board only received 189 numbered pages. Because the record before the Board appears to be complete, the Office memorandum is presumed to have a typographical error and that the actual number of pages in the case record is 189, consistent with the record before the Board.

Accordingly, the decision of the Office of Workers' Compensation Program dated July 10, 1998 is hereby affirmed.

Dated, Washington, D.C.  
April 25, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member