

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOHN R. CZEMERDA and DEPARTMENT OF THE ARMY,  
CORPS OF ENGINEERS, Pittsburgh, PA

*Docket No. 99-502; Submitted on the Record;  
Issued April 26, 2000*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant sustained an injury in the performance of duty.

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 July 29, 1998 decision of the Office of Workers' Compensation Programs' hearing representative, finalized on July 31, 1998, 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 July 29, 1998 and finalized on July 31, 1998 is hereby affirmed.<sup>1</sup>

Dated, Washington, D.C.  
April 26, 2000

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member

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<sup>1</sup> The discrepancies in the medical and factual evidence as to the precise date the alleged lifting incident occurred and the nature of the incident itself, *i.e.*, whether arising from a specific lifting incident or lifting in general, appellant's three- or four-month delay in reporting the incident, and the absence of any rationalized medical evidence establishing appellant sustained a herniated disc arising from the alleged incident justify the Office hearing representative's decision; *see Gene A. McCracken*, 46 ECAB 593, 596-97 (1995).