

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN J. MALINSKI and DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE, New Orleans, LA

*Docket No. 99-666; Submitted on the Record;
Issued January 25, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issues are: (1) whether there is an overpayment in the amount of \$44,738.00; (2) whether appellant was without fault; and (3) whether recovery can be waived.

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 hearing representative of the Office of Workers' Compensation Programs dated and made final on September 4, 1998 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

The decision of the Office of Workers' Compensation Programs dated September 4, 1998 is affirmed.

Dated, Washington, DC
January 25, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member