

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLENN A. PACE and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Birmingham, AL

*Docket No. 02-1288; Submitted on the Record;
Issued September 13, 2002*

DECISION and ORDER

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

The issues are: (1) whether appellant was paid compensation at the correct rate of pay; (2) whether appellant is entitled to a recurrent pay rate effective June 22, 1998; (3) whether the Office of Workers' Compensation Programs properly determined that an overpayment of \$1,225.39 occurred; (4) whether the Office properly refused to waive recovery of the overpayment, given that appellant was without fault; and (5) whether the Office properly decided to deduct \$150.00 every four weeks from appellant's continuing compensation.

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 December 14, 2001 decision of the Office of Workers' Compensation Programs 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 December 14, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
September 13, 2002

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member