

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of TAMMY R. PORTER and U.S. POSTAL SERVICE,  
POST OFFICE, Fort Worth, TX

*Docket No. 98-1281; Submitted on the Record;  
Issued October 22, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant's disability subsequent to May 31, 1996 is causally related to her July 21, 1994 accepted condition of cervical radiculitis.

The Board has given careful consideration to the issue involved, the entire case record and appellant's contentions on appeal. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative dated September 4, 1997 is in accordance with the law and the facts in this case and hereby adopts the findings and conclusions of the hearing representative.<sup>1</sup>

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<sup>1</sup> The Board advises that 5 U.S.C. § 8148(b)(1) provides: "[N]o benefits under ... [the Act] shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's conviction of an offense that constituted a felony under applicable law." Section 8148(b)(2) further provides: "Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends."

The decision of the Office of Workers' Compensation Programs dated September 4, 1997 is hereby affirmed.

Dated, Washington, D.C.  
October 22, 1999

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member