

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EUGENE WHYTOSEK and U.S. POSTAL SERVICE,
POST OFFICE, Philadelphia, PA

*Docket No. 00-42; Submitted on the Record;
Issued December 5, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has met his burden of proof to establish that he sustained a recurrence of disability on or after March 13, 1998, causally related to his June 21, 1982 accepted back condition.

The Board has given careful consideration to the issue involved, the contentions of appellant 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 May 10, 1999 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 decisions of the Office of Workers' Compensation Programs dated May 10, 1999, finalized May 11, 1999, and October 9, 1998 are hereby affirmed.

Dated, Washington, DC
December 5, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Valerie D. Evans-Harrell
Alternate Member