

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SALVADOR ARCHULETA and DEPARTMENT OF THE AIR FORCE,
UNITED STATES AIR FORCE ACADEMY, Colorado Springs, CO

*Docket No. 98-2187; Submitted on the Record;
Issued July 7, 2000*

DECISION and ORDER

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

The issues are: (1) whether the Office of Workers' Compensation Programs properly determined that appellant was not without fault in the creation of the overpayment in the amount of \$36,944.41 he received during the period March 13 through May 11, 1996; and (2) whether the Office properly required repayment of the overpayment by decreasing each of appellant's continuing compensation payments by \$200.00 every 28 days.

The Board has given careful consideration to the issues involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the Office hearing representative dated April 9, 1998 which affirmed the Office's January 9, 1997 decision 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' hearing representative dated April 9, 1998 is hereby affirmed.

Dated, Washington, D.C.
July 7, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member