

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TOMMIE LEE, JR. and DEPARTMENT OF THE ARMY,
WATERWAYS EXPERIMENT STATION, Vicksburg, MS

*Docket No. 99-1281; Submitted on the Record;
Issued July 12, 2000*

DECISION and ORDER

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

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability, due to his November 8, 1993 employment injury, beginning December 31, 1995.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the February 2, 1999 decision of the Office of Workers' Compensation Programs' hearing representative, finalized on February 2, 1999, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

The decisions of the Office of Workers' Compensation Programs dated February 2, 1999 and October 27, 1998 are hereby affirmed.

Dated, Washington, D.C.
July 12, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ Appellant did not present any medical evidence addressing that a recurrence of disability occurred on December 31, 1995 or containing a rationalized medical opinion explaining how the recurrence of disability resulted from the November 8, 1993 employment injury. *See George DePasquale*, 39 ECAB 295, 304 (1987); *Nicolea Brusco*, 33 ECAB 1138 (1982).