

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LESTER SMITH and U.S. POSTAL SERVICE,  
POST OFFICE, Toledo, OH

*Docket No. 98-1580; Submitted on the Record;  
Issued May 23, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issues are: (1) whether appellant met his burden of proof of establishing that he sustained a recurrence of disability on September 18 and November 19, 1996 of his accepted condition of a single episode of depression; and (2) whether he met his burden of proof of establishing that he sustained a recurrence of disability of his accepted condition of a left meniscus tear.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case records. The Board finds that the decisions of the Office of Workers' Compensation Programs issued separately on March 27, 1998 are in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

The decisions of the Office of Workers' Compensation Programs dated and finalized on March 27, 1998 are affirmed.

Dated, Washington, D.C.  
May 23, 2000

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member