

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID A. NEVES and U.S. POSTAL SERVICE,
POST OFFICE, Edison, NJ

*Docket No. 99-2123; Submitted on the Record;
Issued January 12, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has established that he developed an emotional condition in the performance of duty causally related to factors of his federal employment.

. 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 decision of the hearing representative of the Office of Workers' Compensation Programs dated and made final on May 6, 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 decision of the Office of Workers' Compensation Programs dated May 6, 1999 is hereby affirmed.¹

Dated, Washington, DC
January 12, 2001

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

¹ The record further reflects that appellant sought reconsideration before the Office on May 24, 1999. Appellant filed his appeal before the Board on June 2, 1999. It is well established that the Board and the Office may not simultaneously have jurisdiction over the same issue in the same case; *see* 20 C.F.R. § 501.2(c); *Arlonia B. Taylor*, 44 ECAB 591 (1993). Consequently, the Office did not have jurisdiction over appellant's requests for reconsideration during the pendency of this appeal. As such, the Office's decision dated June 30, 1999 is null and void. *Russell E. Lerman*, 43 ECAB 770, 772 (1992); *Jimmy W. Galetka*, 43 ECAB 432 (1992); *Douglas E. Billings*, 41 ECAB 880 (1990).