

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of VELDON L. TOMLINSON and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL CENTER, Hot Springs, SD

*Docket No. 01-1436; Submitted on the Record;  
Issued April 17, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
MICHAEL E. GROOM

The issue is whether appellant sustained a back condition while in the performance of duty.

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 January 8, 2001 decision of the Office of Workers' Compensation Programs 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 January 8, 2001 decision of the Office of Workers' Compensation Programs is affirmed.<sup>1</sup>

Dated, Washington, DC  
April 17, 2002

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>1</sup> Appellant submitted an April 13, 2001 report from Dr. Robert W. Holwell, a chiropractor. Because this report was not before the Office when its January 8, 2001 decision was issued, the Board has no jurisdiction to review this evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c); *Thomas W. Stevens*, 50 ECAB 288, 289 (1999). Appellant may wish to submit this evidence with a request for reconsideration to the Office.