

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of VALLERIE K. SPATES MOORE and U.S. POSTAL SERVICE,  
POST OFFICE, Huntington Beach, CA

*Docket No. 02-347; Submitted on the Record;  
Issued August 15, 2002*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained an emotional condition in the performance of duty causally related to factors of her 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 October 26, 2001 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.<sup>1</sup>

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<sup>1</sup> The Board notes that, on November 26, 2001, the date appellant filed her appeal with the Board, she also requested reconsideration with the Office. As noted in an Office letter dated January 7, 2002, the Board and the Office may not have simultaneous jurisdiction over the same issue in the same case; *see Noe L. Flores*, 49 ECAB 344 (1998).

The decision of the Office of Workers' Compensation Programs dated October 26, 2001 is hereby affirmed.

Dated, Washington, DC  
August 15, 2002

Colleen Duffy Kiko  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member