

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of EDWARD KUBICEK and DEPARTMENT OF THE ARMY,  
TOOELE ARMY DEPOT, UT

*Docket No. 00-1272; Submitted on the Record;  
Issued January 25, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
PRISCILLA ANNE SCHWAB

The issues are: (1) whether the Office of Workers' Compensation Programs properly determined that appellant received overpayments in the amount of \$30,600.82; and (2) whether the Office properly determined that appellant was at fault in the creation of the \$2,257.65 overpayment, thus precluding waiver of recovery of this overpayment.

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 December 20, 1999 decision of the Office hearing representative is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative regarding appellant's overpayment.

The December 20, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
January 25, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Priscilla Anne Schwab  
Alternate Member