

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BYRON LEE BARTON and DEPARTMENT OF THE NAVY,
PUGET SOUND NAVAL SHIPYARD, Bremerton, WA

*Docket No. 01-1296; Submitted on the Record;
Issued May 3, 2002*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether the selected position of file clerk fairly and reasonably represents appellant's wage-earning capacity.

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 September 21, 2000 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 September 21, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
May 3, 2002

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member