

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARL K. WATERS and U.S. POSTAL SERVICE,
POST OFFICE, Kingston, Pa.

*Docket No. 97-2405; Submitted on the Record;
Issued May 11, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant met his burden of proof to establish that employment factors caused or aggravated his emotional condition.

The Board has given careful consideration to the issue involved, the contentions of appellant 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 March 29, 1997 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ The Board notes that appellant filed his appeal with the Board on July 1, 1997 and on July 8, 1997 requested reconsideration with the Office and submitted new evidence. It is well established that the Board and the Office may not exercise concurrent jurisdiction over the same issue in the same case. *Douglas E. Billings*, 41 ECAB 880 (1990). Likewise, as the Board's jurisdiction is limited to the evidence in the case record which was before the Office at the time of its final decision, it may not consider this evidence. 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated March 29, 1997 is hereby affirmed.

Dated, Washington, D.C.
May 11, 1999

George E. Rivers
Member

David S. Gerson
Member

Michael E. Groom
Alternate Member