

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KATHLEEN VITZTHUM and U.S. POSTAL SERVICE,
POST OFFICE, Hauppauge, NY

*Docket No. 98-2389; Submitted on the Record;
Issued February 14, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty, as alleged.

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 July 20, 1998 decision of the Office of Workers' Compensation Programs' hearing representative, finalized on July 20, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The absence of corroborating, contemporaneous evidence at the time of the alleged April 11, 1997 injury, appellant's failure to give notice of the alleged incident until almost two months after it happened, and discrepancies in her description of how the incident occurred support the Office hearing representative's findings that the alleged April 11, 1997 incident did not occur in the performance of duty, as alleged; *see Nathaniel Cooper*, 46 ECAB 1053, 1055 (1995).

The decision of the Office of Workers' Compensation Programs dated July 20, 1998 is hereby affirmed.

Dated, Washington, D.C.
February 14, 2000

George E. Rivers
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member