

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BANKS O. WHITAKER and U.S. POSTAL SERVICE,  
POST OFFICE, Silver Spring, MD

*Docket No. 99-2574; Submitted on the Record;  
Issued October 18, 2000*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, A. PETER KANJORSKI,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability causally related to his accepted employment injury.<sup>1</sup>

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 July 26, 1999 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

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<sup>1</sup> The Board notes that this case record contains evidence which was submitted subsequent to the Office's July 26, 1999 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).

The decisions of the Office of Workers' Compensation Programs dated July 26, 1999 and August 21, 1998 are hereby affirmed.<sup>2</sup>

Dated, Washington, DC  
October 18, 2000

Willie T.C. Thomas  
Member

A. Peter Kanjorski  
Alternate Member

Priscilla Anne Schwab  
Alternate Member

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<sup>2</sup> The Board notes that the hearing representative's decision refers to Dr. Shari DeSilva's report dated February 21, 1994. The report was dated February 1, 1994.