

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THOMAS L. THIBAUT and DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY, Burlington, MA

*Docket No. 01-1537; Submitted on the Record;
Issued February 21, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant is entitled to compensation benefits after May 30, 2000.

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 decision of the Office of Workers' Compensation Programs' hearing representative dated February 22, 2001 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, following the February 22, 2001 decision of the Office hearing representative, on March 26, 2001 appellant, through counsel, requested reconsideration with the Office. By decision dated May 15, 2001, the Office denied appellant's request. As the Board and the Office may not have simultaneous jurisdiction over the same issues in the same case, any decision rendered by the Office on the same issues for which an appeal is filed is null and void. *Jimmy W. Galetka*, 43 ECAB 432 (1992). Thus, as appellant filed his appeal with the Board prior to the issuance of the May 15, 2001 Office decision, the May 15, 2001 decision of the Office is void.

The decision of the Office of Workers' Compensation Programs dated February 22, 2001 is hereby affirmed.

Dated, Washington, DC
February 21, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member