

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALEX P. GUERRERO and U.S. POSTAL SERVICE,
POST OFFICE, Fort Worth, TX

*Docket No. 01-1434; Submitted on the Record;
Issued April 17, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty on October 7, 1999.

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 February 22, 2001 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.¹

¹ The Board has recognized the compensability of physical contact arising in the course of employment. *See Helen Casillas*, 46 ECAB 1044 (1995). The evidence does not establish appellant's allegation that his supervisor grabbed his arm on October 7, 1999 and shook him three or four times. The alleged incident was witnessed by another employee who did not support appellant's allegation of physical abuse.

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

Dated, Washington, DC
April 17, 2002

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member