

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JUDITH BOWIE, claiming as widow of ARMELL W. BOWIE and  
U.S. POSTAL SERVICE, MAIN POST OFFICE, Chicago, Ill.

*Docket No. 98-43; Submitted on the Record;  
Issued June 8, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs' refusal to reopen the record and denial of appellant's request for reconsideration pursuant to section 8128 of the Federal Employees' Compensation Act constituted an abuse of discretion.

On August 1, 1994 appellant, the employee's widow, filed a claim for death benefits. She indicated on her claim form that the cause of the employee's death was atherosclerotic cardiovascular disease. A death certificate signed by Dr. Tae Lyong An, also indicated that the cause of death was atherosclerotic cardiovascular disease. In a decision dated February 18, 1995, the Office denied appellant's claim on the grounds that the evidence did not establish that the employee's death was causally related to factors of his federal employment. In a merit decision dated May 17, 1996, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was not sufficient to warrant modification of the prior decision. By decision dated July 30, 1997, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was cumulative and was not sufficient to warrant merit review.

The Board has carefully reviewed the entire case record on appeal and finds that the Office properly denied appellant's request for reconsideration dated May 14, 1997.<sup>1</sup>

Under 20 C.F.R. § 10.138(b)(1), a claimant may obtain review of the merits of her claim by showing that the Office erroneously applied or interpreted a point of law, advancing a point of law or fact not previously considered by the Office, or submitting relevant and pertinent evidence not previously considered by the Office. Section 10.138(b)(2) provides that when an

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<sup>1</sup> The Board's jurisdiction to consider and decide appeals from final decisions of the Office extends only to those final decisions issued within one year prior to the filing of the appeal. As appellant filed her appeal with the Board on September 23, 1997, the only decision before the Board is the Office's July 30, 1997 decision. See 20 C.F.R. §§ 501.2(c), 501.3(d)(2).

application for review of the merits of a claim does not meet at least one of these requirements, the Office will deny the application for review without reviewing the merits of the claim.<sup>2</sup> Evidence that repeats or duplicates evidence already in the case record has no evidentiary value and does not constitute a basis for reopening a case.<sup>3</sup> Evidence that does not address the particular issue involved does not constitute a basis for reopening a case.<sup>4</sup>

With her May 14, 1997 letter requesting reconsideration, appellant resubmitted the employee's death certificate, a copy of her February 1996 request for reconsideration, information relating to a 1993 claim for workers' compensation filed by the employee and submitted a copy of a letter to Vice President Al Gore dated September 24, 1996. The evidence submitted by appellant was either previously considered by the Office or is not relevant to the central issue in appellant's claim, *i.e.*, whether the employee's death was causally related to factors of his federal employment. Therefore, this evidence is not sufficient to warrant reopening the record and the Office properly denied appellant's request for reconsideration.

The decision of the Office of Workers' Compensation Programs dated July 30, 1997 is hereby affirmed.

Dated, Washington, D.C.  
June 8, 1999

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> 20 C.F.R. § 10.138(b)(2).

<sup>3</sup> *Sandra F. Powell*, 45 ECAB 877 (1994); *Eugene F. Butler*, 36 ECAB 393 (1984); *Bruce E. Martin*, 35 ECAB 1090 (1984).

<sup>4</sup> *Dominic E. Coppo*, 44 ECAB 484 (1993); *Edward Matthew Diekemper*, 31 ECAB 224 (1979).