

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of NANCY A. POLITO and U.S. POSTAL SERVICE,
HAMMOND POST OFFICE, Hammond, Ind.

*Docket No. 97-977; Submitted on the Record;
Issued December 23, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's request for reconsideration.

On January 1, 1994 appellant, then a 37-year-old letter carrier, was delivering mail in subzero weather and sustained frostbite of her fingers and toes. The Office accepted appellant's claim for frostbite. On February 2, 1995 appellant filed a claim for a recurrence of disability effective January 3, 1995 when she again felt the symptoms of frostbite while delivering mail. Appellant stated that she was restricted from delivering the mail when the outside temperature was below 20 degrees. In a November 3, 1995 decision, the Office found that the evidence of record failed to establish that appellant had residuals or disability remaining from her accepted condition of frostbite and failed to establish that she was entitled to a schedule award for permanent damage to her fingers or toes due to the exposure to cold on January 18, 1994 and January 3, 1995. The Office therefore denied appellant's claim for compensation and entitlement to future medical benefits on the grounds that the evidence of record failed to demonstrate a causal relationship between the disability claimed and the two accepted exposures at work. In an accompanying memorandum, a senior Office claims examiner stated that, although cold weather may have triggered the symptoms of Raynaud's phenomenon in appellant, Raynaud's phenomenon was an underlying condition of undetermined etiology and had not been medically related to appellant's two exposures to cold. In a September 25, 1996 letter, appellant requested reconsideration. In a November 8, 1996 decision, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted in support of the request was immaterial and repetitious and therefore insufficient to warrant review of the prior decision.

The Board finds that the Office properly denied appellant's request for reconsideration.

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 application for review of the merits of a claim does not meet at least one of these three requirements, the Office will deny the application for review without reviewing the merits of the claim.¹ 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.² Evidence that does not address the particular issue involved also does not constitute a basis for reopening a case.³

Appellant contended in her request for reconsideration that she would establish that her Raynaud's phenomenon was caused by her frostbite and exposure to cold. The evidence she submitted, however, contained descriptions of her employment injury and the cold weather in the area of the employing establishment at the time of the first employment injury, and her pay and leave records for the periods in question. These matters are irrelevant to the issue of whether the cold or frostbite caused appellant's Raynaud's phenomenon. Appellant submitted a description of Raynaud's phenomenon from a textbook. However, the Board has held that newspaper clippings, medical texts and excerpts from publications are of no evidentiary value in establishing the causal relationship between a claimed condition and an employee's federal employment as such materials are of general application and are not determinative of whether the specific condition claimed is related to the particular employment factors alleged by the employee.⁴ Appellant also submitted medical reports which had been submitted previously. These reports are repetitive and therefore insufficient to establish a basis for a merit review of appellant's claim. Appellant submitted an August 29, 1996 note from Dr. Nadine Keer, an osteopath, who stated that the Raynaud's phenomenon could have been precipitated by exposure to cold or frostbite in appellant's case. This statement is duplicative of Dr. Keer's statement in her June 14, 1995 report in which she noted that appellant's Raynaud's phenomenon was related to exposure to cold. Appellant did not submit any evidence that directly attributed her frostbite as the cause of her Raynaud's phenomenon. The Office therefore properly denied appellant's request for reconsideration.

¹ 20 C.F.R. § 10.138(b)(2).

² *Eugene F. Butler*, 36 ECAB 393, 398 (1984); *Bruce E. Martin*, 35 ECAB 1090, 1093-94 (1984).

³ *Edward Matthew Diekemper*, 31 ECAB 224, 225 (1979).

⁴ *William C. Bush*, 40 ECAB 1064, 1075 (1989).

The decision of the Office of Workers' Compensation Programs, dated November 8, 1996, is hereby affirmed.

Dated, Washington, D.C.
December 23, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member