

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEANETTE C. WILLIAMS and U.S. POSTAL SERVICE,
POST OFFICE, Capitol Heights, MD

*Docket No. 99-231; Submitted on the Record;
Issued March 27, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs abused its discretion by refusing to reopen appellant's case for further review on the merits of her claim under 5 U.S.C. § 8128(a).

On June 10, 1996 appellant, a 28-year-old mailhandler, filed a claim for benefits under the Federal Employees' Compensation Act, alleging that she sustained a bilateral carpal tunnel condition causally related to her employment and that she became aware of this condition on May 13, 1996.

By decision dated September 17, 1996, the Office denied appellant's claim, finding that she failed to submit medical evidence sufficient to establish that her claimed condition was sustained in the performance of duty.

By letter dated October 8, 1996, appellant's attorney requested an oral hearing, which was held on April 15, 1997.

By decision dated June 19, 1997, the Office affirmed the October 8, 1996 decision, finding that appellant failed to submit evidence sufficient to warrant modification.

By letter dated June 17, 1998, appellant's attorney requested reconsideration.

By decision dated July 8, 1998, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence such that it was sufficient to require the Office to review its prior decision.

The Board finds that the Office did not abuse its discretion by refusing to reopen appellant's case for further review on the merits of his claim under 5 U.S.C. § 8128(a).

Under 20 C.F.R. § 10.138(b)(1), a claimant may obtain review of the merits of his or her claim by showing that the Office erroneously applied or interpreted a point of law; by advancing a point of law or fact not previously considered by the Office; or by submitting relevant and pertinent evidence not previously considered by the Office.¹ 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.² 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.³

In the present case, appellant has not shown that the Office erroneously applied or interpreted a point of law and has not advanced a point of law or fact not previously considered by the Office. In addition, appellant failed to submit any new and relevant medical evidence in support of her request for reconsideration. Therefore, the Office did not abuse its discretion in refusing to reopen appellant's claim for a review on the merits.

Accordingly, the decision of the Office of Workers' Compensation Programs dated July 8, 1998 is affirmed.

Dated, Washington, D.C.
March 27, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

¹ 20 C.F.R. § 10.138(b)(1); *see generally* 5 U.S.C. § 8128(a).

² 20 C.F.R. § 10.138(b)(2).

³ *Howard A. Williams*, 45 ECAB 853 (1994).