

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CARLA D. PERRY and U.S. POSTAL SERVICE,  
POST OFFICE, Memphis, TN

*Docket No. 99-2453; Submitted on the Record;  
Issued October 26, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,  
VALERIE D. EVANS-HARRELL

The issues are: (1) whether appellant has met her burden of proof in establishing an emotional condition due to factors of her federal employment; and (2) whether the Office of Workers' Compensation Programs abused its discretion by refusing to reopen appellant's claim for consideration of the merits.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case record. The Board finds that the March 16, 1999 decision of the Office hearing representative is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

The Board further finds that the Office did not abuse its discretion by refusing to reopen appellant's claim for consideration of the merits on July 15, 1999.

Following the hearing representative's March 16, 1999 decision denying appellant's claim for an emotional condition as she failed to establish a compensable factor of employment, appellant requested reconsideration on May 17, 1999. By decision dated July 15, 1999, the Office declined to reopen appellant's claim for review of the merits finding that she failed to submit relevant new evidence.

The Office's regulations provide that a timely request for reconsideration in writing may be reviewed on its merits if the employee has submitted evidence or argument which shows that the Office erroneously applied or interpreted a specific point of law; advances a relevant legal argument not previously considered by the Office; or constitutes relevant and pertinent new evidence not previously considered by the Office.<sup>1</sup>

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<sup>1</sup> 5 U.S.C. §§ 10.609(a) and 10.606(b).

In support of her request for reconsideration, appellant resubmitted evidence already contained in the record. Appellant resubmitted reports from Dr. Charles T. Rhodes, a psychiatrist, dated October 16, 1997 and December 29, 1998. Appellant also resubmitted a statement from her attorney regarding the June 25, 1997 alleged employment incident. Material, which is repetitious or duplicative of that already in the case record, has no evidentiary value in establishing a claim and does not constitute a basis for reopening a case.<sup>2</sup> As appellant failed to submit relevant new evidence, the Office properly declined to reopen her claim for consideration of the merits.

The July 15 and March 16, 1999 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC  
October 26, 2000

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member

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<sup>2</sup> See *Kenneth R. Mroczkowski*, 40 ECAB 855, 858 (1989); *Marta Z. DeGuzman*, 35 ECAB 309 (1983); *Katherine A. Williamson*, 33 ECAB 1696, 1705 (1982).