

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LAUREEN WALL and U.S. POSTAL SERVICE,
POST OFFICE, Detroit, MI

*Docket No. 02-104; Submitted on the Record;
Issued May 20, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

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

This case was previously before the Board.¹ By decision and order dated March 26, 2001, the Board affirmed the Office's March 26, 1999 decision denying appellant's request for reconsideration. The Board's March 26, 2001 decision is herein incorporated by reference.

By letter dated April 10, 2001, appellant requested reconsideration.

In support of her request for reconsideration, appellant submitted a medical report dated March 26, 1999.

By decision dated July 10, 2001, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted did not constitute relevant and pertinent evidence not previously considered by the Office. The Office noted that appellant's claim had been denied, by an Office decision dated March 24, 1998, because she had failed to establish that her emotional condition was causally related to any compensable factors of employment.

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

The Code of Federal Regulations provides that a claimant may obtain review of the merits of the claim by: (1) showing that the Office erroneously applied or interpreted a specific point of law; or (2) advancing a relevant legal argument not previously considered by the Office; or (3) submitting relevant and pertinent evidence not previously considered by the Office.²

¹ See Docket No. 99-2215 (issued March 26, 2001).

² 20 C.F.R. § 10.606(b)(2).

When a claimant fails to meet one of the above standards, the Office will deny the application for reconsideration without reopening the case for review on the merits.³

In support of her April 10, 2001 request for reconsideration, appellant submitted a medical report. However, in its last merit decision, dated March 24, 1998, the Office denied appellant's claim for an emotional condition on the grounds that she had failed to establish that her emotional condition was causally related to compensable factors of employment. Unless appellant alleges a compensable factor of employment substantiated by the record, it is unnecessary to address the medical evidence.⁴ Therefore, the medical report submitted by appellant does not constitute relevant and pertinent evidence not previously considered by the Office. As appellant did not show that the Office erroneously applied or interpreted a specific point of law, advance a relevant legal argument not previously considered by the Office, or submit relevant and pertinent evidence not previously considered by the Office, the Office properly denied her request for reconsideration.

The decision of the Office of Workers' Compensation Programs dated July 10, 2001 is affirmed.

Dated, Washington, DC
May 20, 2002

Michael J. Walsh
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member

³ 20 C.F.R. § 10.608(b).

⁴ *Margaret S. Krzycki*, 43 ECAB 496 (1992).