

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOHN W. WILLIAMS and DEPARTMENT OF THE NAVY,  
PUGET SOUND NAVAL SHIPYARD, Bremerton, WA

*Docket No. 02-788; Submitted on the Record;  
Issued September 13, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant sustained a right shoulder injury on December 22, 1988 in the performance of duty.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated March 16, 2001 and finalized March 19, 2001, which affirmed an August 7, 2000 Office decision, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

Following the March 19, 2001 Office decision, appellant requested reconsideration. However, he submitted only evidence previously considered by the Office. He submitted no new evidence or argument following the Office decision dated March 16, 2001 and finalized March 19, 2001.

By decision dated May 22, 2001, the Office denied modification of its decision dated March 16, 2001 and finalized March 19, 2001 and noted that appellant had submitted no new evidence or argument since the previous decision.

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.<sup>1</sup> When an application for review of the merits of a claim does not meet at least one of these

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<sup>1</sup> 20 C.F.R. § 10.606(b)(2).

requirements, the Office will deny the application for review without reviewing the merits of the claim.<sup>2</sup>

Appellant only submitted evidence previously of record. As the Office has previously reviewed this evidence, it 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, did not 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 his request for reconsideration.

The decisions of the Office of Workers' Compensation Programs dated May 22 and March 16, 2001 and finalized March 19, 2001 are affirmed.

Dated, Washington, DC  
September 13, 2002

Michael J. Walsh  
Chairman

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member

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<sup>2</sup> 20 C.F.R. § 10.608(b).