

This is the second appeal before the Board. Appellant, a 56-year-old electrical equipment repairman, filed a claim for benefits on April 1, 2005, alleging that he sustained a bilateral hearing loss causally related to factors of his federal employment. He was exposed to noise while working as a heavy mobile equipment operator from 1989 to the present. Dr. Bibhas Bandy, a Board-certified otolaryngologist, found in a July 27, 2005 audiologic report that

appellant had a zero percent binaural hearing loss. In a decision dated January 18, 2006, the Office found that appellant had not sustained a ratable hearing loss causally related to factors of his federal employment. In a June 21, 2006 decision,¹ the Board affirmed the January 18, 2006 decision. The complete facts of this case are set forth in the Board's June 21, 2006 decision and are herein incorporated by reference.

By letter dated July 21, 2006, appellant requested reconsideration. Appellant stated that his hearing loss was clearly documented by all of the hearing examinations he underwent from January 1989 through November 2005. He asserted that Dr. Bandy's July 2005 report indicated that he had a high-pitch hearing loss in both ears. Appellant also stated that he returned to see Dr. Bandy in August 2005, at which time Dr. Bandy informed him that he had a bilateral hearing loss. He contended that he requested a copy of a report that Dr. Bandy issued concerning the August 2005 visit; however, Dr. Bandy's office told him that he needed to acquire a copy from the Office.

By decision dated August 17, 2006, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence sufficient to require the Office to review its prior decision.

LEGAL PRECEDENT

Under 20 C.F.R. § 10.606(b), a claimant may obtain review of the merits of his or her claim: by showing that the Office erroneously applied or interpreted a specific point of law; by advancing a relevant legal argument not previously considered by the Office; or by submitting relevant and pertinent evidence not previously considered by the Office.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

ANALYSIS

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law. He did not advance a relevant legal argument not previously considered by the Office. Appellant did not submit any new medical evidence in connection with his July 21, 2006 reconsideration request which addresses the relevant issue of whether he sustained a ratable hearing loss causally related to factors of his federal employment. Although appellant contended that he returned to Dr. Bandy and was told that he sustained a bilateral hearing loss, he did not submit any documents from Dr. Bandy corroborating this assertion. Thus, the request did not provide any new and relevant evidence for the Office to review. In addition, appellant's reconsideration request contains arguments that are cumulative and repetitive of contentions that were presented and rejected by the Office in its previous decisions. The Board finds that the Office properly refused to reopen appellant's claim for reconsideration.

¹ Docket No. 06-715 (issued June 21, 2006).

² 20 C.F.R. § 10.606(b)(1); *see generally* 5 U.S.C. § 8128(a).

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

CONCLUSION

The Board finds that the Office properly refused to reopen appellant's case for reconsideration on the merits of his claim under 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the August 17, 2006 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: January 26, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board