

shoulder bursitis due to excessive typing at work.³ By decision dated March 12, 2010, OWCP denied the claim, finding that appellant did not establish that a new employment factor contributed to the condition. At a June 1, 2010 telephonic hearing, appellant testified that her December 14, 2009 claim was based on the same employment factors as her initial claim and that she filed a new claim because OWCP at the time had not yet accepted a shoulder condition. Her attorney acknowledged that a duplicate claim was filed. On July 28, 2010 OWCP's hearing representative affirmed the March 12, 2010 decision, finding that appellant filed a duplicate claim for an accepted condition. Appellant thereafter requested reconsideration and submitted a statement about her work duties. In an October 21, 2010 decision, OWCP denied the reconsideration request without conducting a merit review of the claim.

The Board finds that the December 14, 2009 occupational disease claim was duplicative of her May 26, 2009 claim.⁴ Appellant, as well as her counsel, conceded this at the June 1, 2010 telephonic hearing. She has not alleged a new claim and OWCP properly denied the claim. The Board also finds that OWCP properly denied appellant's request for reconsideration. Although she provided a factual statement that was not previously considered by OWCP, this evidence did not address the underlying issue: whether the December 14, 2009 claim was a duplicate claim.⁵ Therefore, the new evidence was not pertinent to the instant case.⁶

³ OWCP File No. xxxxxx873. This claim and claim number xxxxxx664 have been combined.

⁴ OWCP procedures contemplate that duplicate cases should not be created and that development should not occur under the duplicate case. *See* Federal (FECA) Procedure Manual, Part 1 -- Mail and Files, *Duplicate Cases*, Chapter 1.400.7 (February 2000).

⁵ *See Mary Lou Barragy*, 46 ECAB 781 (1995) (submission of evidence which does not address the particular issue involved does not constitute a basis for reopening a case).

⁶ *See* 20 C.F.R. § 10.606(b)(2).

IT IS HEREBY ORDERED THAT the October 21 and July 28, 2010 decisions of Office of Workers' Compensation Programs are affirmed.

Issued: September 14, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board