

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CORNELIA M. BROCK-FIELDS and U.S. POSTAL SERVICE,
POST OFFICE, Southfield, MI

*Docket No. 98-272; Submitted on the Record;
Issued December 1, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs abused its discretion by refusing to reopen appellant's claim for a merit review on February 4, 1997.

On December 18, 1995 appellant, then a 41-year-old city letter carrier, filed a notice of traumatic injury alleging that she sprained her neck on September 22, 1995 when she was involved in an automobile accident in the course of her federal employment. Appellant stopped working on September 22, 1995 and returned to work on September 25, 1995.

On January 16, 1996 the Office requested that appellant submit additional information, including a physician's opinion concerning the medical connection between her disability and her employment-related injury.

By decision dated February 12, 1996, the Office denied the claim because fact of injury was not established. In an accompanying memorandum, the Office indicated that appellant failed to submit any factual or medical documentation of her injury.

Appellant subsequently requested reconsideration. Appellant indicated that on September 22, 1995 she was involved in a vehicle accident while working for the employing establishment. She indicated that she was not at fault in the accident. Appellant stated that she was knocked unconscious and treated at Providence Hospital. She also stated that Greg Willis, an employing establishment employee, informed her that he would take care of her bills, but that he failed to submit her medical documentation. Appellant stated that Mr. Willis no longer works at the employing establishment and she indicated that her records had vanished. Appellant, however, indicated that she obtained her records from another office and she stated that she would submit the information.

The records appellant submitted included a December 22, 1995 bill from Southfield Radiology, P.C. and a June 18, 1996 bill from AssetCare, Inc. The bills did not contain a

physician's opinion concerning the medical connection between her disability and her employment-related injury. Appellant also submitted internal employing establishment memorandums regarding third party claims and the handling of appellant's claim. She also provided a memorandum from the employing establishment to Southfield Radiology, P.C. explaining the Office's payment system. Finally, appellant resubmitted a copy of her claim, copies of the Office correspondence issued prior to its February 12, 1996 decision denying benefits and a copy of that decision.

By decision dated February 14, 1997, the Office ordered that the request for review be denied because the evidence submitted in its support was found to be irrelevant and not sufficient to warrant review of the prior decision. In an accompanying memorandum, the Office indicated that appellant failed to submit substantial evidence of probative value, specifically, rationalized medical opinion evidence supporting a causal relationship between her alleged disabling condition and her employment.

The Board finds that the Office properly refused to reopen appellant's case for a merit review under 5 U.S.C. § 8128 of the Federal Employees' Compensation Act.

Pursuant to 20 C.F.R. § 10.138(b)(1), a claimant may obtain review of the merits of her claim by showing that the Office erroneously applied or interpreted a point of law, by advancing a point of law or fact not previously considered by the Office, or by submitting relevant and pertinent evidence not previously considered by the Office. Section 10.138(b)(2) provides that when an application for review of the merits of a claim does not meet at least one of these requirements, the Office will deny the application for review without reviewing the merits of the claim.¹ 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.² Moreover, evidence that does not address the particular issue involved in this case, the causal relationship between appellant's neck condition and factors of her employment, also does not constitute a basis for reopening a case.³

In this case, appellant failed to submit any rationalized medical opinion evidence addressing the medical connection between her disability and her employment-related injury.⁴ The evidence appellant submitted consisted only of medical bills, employing establishment memorandums and copies of documents already in the record such as Office correspondence, appellant's claim and the Office's February 12, 1996 decision denying benefits. Because this evidence does not address whether there is a medical connection between appellant's disability and her employment-related injury, it cannot constitute a basis for reopening the case. The Office, therefore, properly refused to reopen appellant's case for a merit review.

¹ 20 C.F.R. § 10.138(b)(2).

² *Eugene F. Butler*, 36 ECAB 393, 398 (1984); *Bruce E. Martin*, 35 ECAB 1090, 1093-94 (1984).

³ *Edward Matthew Diekemper*, 31 ECAB 224-25 (1979).

⁴ On appeal, appellant submitted additional medical evidence. The Board, however, cannot consider evidence that was not before the Office at the time of the final decision; *see* 20 C.F.R. § 501.2(c)(1).

The decision of the Office of Workers' Compensation Programs dated February 14, 1997 is affirmed.

Dated, Washington, D.C.
December 1, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member