

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARIA A. BEATTIE and U.S. POSTAL SERVICE,
POSTAL ANNEX, Mount Clemons, MI

*Docket No. 00-1609; Submitted on the Record;
Issued August 16, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

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

On February 20, 1997 appellant, then a 41-year-old letter carrier, filed an occupational disease claim alleging that she sustained an emotional condition in the performance of duty.

By decisions dated July 7, 1997 and March 24 and October 21, 1998, the Office denied appellant's claim on the grounds that the factors alleged to have caused her emotional condition were either not proven to be factual or were not compensable factors of employment.

By letter dated October 12, 1999, appellant requested reconsideration and submitted additional evidence as well as evidence previously considered by the Office.

By decision dated January 11, 2000, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was immaterial and not sufficient to warrant further merit review.¹

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

The Board's jurisdiction to consider and decide appeals from final decisions of the Office extends only to those final decisions issued within one year prior to the filing of the appeal.² As appellant filed her appeal with the Board on March 31, 2000, the only decision properly before the Board is the Office's January 11, 2000 decision denying appellant's request for reconsideration. The Board has no jurisdiction to consider the Office's October 21 and

¹ The Board notes that there is a typographical error on the last page of the memorandum to the Director in the January 11, 2000 decision. The date of the original decision in this case is July 7, 1997, not 1999.

² 20 C.F.R. §§ 501.2(c); 501.3(d)(2).

March 24, 1998 and July 7, 1997 decisions denying appellant's claim for an emotional condition.³

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.⁴ 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.⁵

In support of her request for reconsideration, appellant submitted a letter dated October 5, 1998, in which Postmaster Robert Gray denied appellant's allegation that he had sent a letter indicating that injured workers were lazy. This letter does not constitute relevant and pertinent evidence not previously considered by the Office as it does not support appellant's contention that her emotional condition was causally related to compensable factors of employment.

In an undated note received by the Office on October 18, 1999, coworker Shari Carlson stated that appellant was a diligent and conscientious worker. This does not constitute relevant and pertinent evidence not previously considered by the Office as it does not address the issue of whether appellant's emotional condition was caused by compensable factors of employment.

Appellant also submitted copies of certificates of appreciation regarding her work, information regarding her training history and information regarding adjustments of her delivery route. This information does not address the issue of whether appellant's emotional condition was causally related to compensable factors of employment. Therefore, it does not constitute relevant and pertinent evidence not previously considered by the Office.

Appellant also submitted medical evidence. However, unless appellant alleges a compensable factor of employment substantiated by the record, it is unnecessary to address the medical evidence.⁶

As appellant failed to 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 and did not submit relevant and pertinent evidence not previously considered by the Office, the Office properly denied her request for reconsideration.

The January 11, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

³ *Leon D. Faidley, Jr.*, 41 ECAB 104, 108-09 (1989).

⁴ 20 C.F.R. § 10.606(b)(2) (1999).

⁵ 20 C.F.R. § 10.608(b) (1999).

⁶ *See Garry M. Carlo*, 47 ECAB 299, 305 (1996).

Dated, Washington, DC
August 16, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member