

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUDITH L. MAYOTTE and U.S. POSTAL SERVICE,
POST OFFICE, Tampa, FL

*Docket No. 00-808; Submitted on the Record;
Issued February 14, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs abused its discretion by refusing to reopen appellant's claim for further review on the merits under 5 U.S.C. § 8128(a).

On March 31, 1995 appellant, a 46-year-old distribution clerk/supervisor, filed a claim for benefits, alleging that she sustained an emotional condition caused by verbal abuse and harassment on the part of her supervisors and that she became aware that this condition was related to her employment on December 2, 1993.

By decision dated August 27, 1996, the Office denied appellant's claim, finding that she did not submit evidence sufficient to establish that she sustained an emotional condition in the performance of duty.

In a letter received by the Office on September 13, 1996, appellant requested an oral hearing, which was held on February 2, 1998.

By decision dated April 24, 1998, an Office hearing representative affirmed the August 27, 1996 decision.

By letter dated April 23, 1999, appellant requested reconsideration of the April 24, 1998 decision. In support of her request, appellant submitted a November 21, 1994 letter of decision informing her of a reduction in grade and pay, copies of procedures and regulations in the employing establishment, memorandum from her union pertaining to general union procedures, an undated and unsigned grievance statement, and miscellaneous letters, memoranda and documents. In addition, appellant submitted numerous medical reports, treatment slips and billing statements. Most of the evidence appellant submitted had been considered by the Office in previous decisions.

By decision dated September 13, 1999, 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.

The Board finds that the Office did not abuse its discretion by refusing to reopen appellant's case for further review on the merits of her claim under 5 U.S.C. § 8128(a).

Under 20 C.F.R. § 10.607, 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.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

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law; she has not advanced a relevant legal argument not previously considered by the Office and she has not submitted relevant and pertinent evidence not previously considered by the Office. The evidence appellant submitted was either previously considered and rejected by the Office in prior decisions or is not pertinent to the issue on appeal. Thus, her request did not contain any new and relevant evidence for the Office to review. Additionally, appellant's April 23, 1999 letter failed to show the Office erroneously applied or interpreted a point of law nor did it advance a point of law or fact not previously considered by the Office. Although appellant generally contended that her claimed current condition was causally related to her employment, she failed to submit new and relevant medical evidence in support of this contention. Therefore, the Office did not abuse its discretion in refusing to reopen appellant's claim for a review on the merits.

¹ 20 C.F.R. § 10.607(b)(1). *See generally* 5 U.S.C. § 8128(a).

² *Howard A. Williams*, 45 ECAB 853 (1994).

The September 13, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
February 14, 2001

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member