

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROL E. BUCHANAN and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Houston, TX

*Docket No. 99-1573; Submitted on the Record;
Issued March 19, 2001*

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 case for further review on the merits of her claim under 5 U.S.C. § 8128(a).

This case was presented to the Board on a prior occasion. The Office accepted appellant's claim filed on March 25, 1992 for sprains to the right ankle and knee, contusion to the right wrist, and lumbar and thoracic strain. Appellant filed several claims for continuing compensation based on her accepted conditions, and received intermittent compensation from the Office. The Office denied appellant's claims for additional compensation in decisions dated September 30 and November 1, 1994 and June 19, 1995. In a decision dated March 1, 1999, the Board affirmed the Office's nonmerit decision dated June 19, 1995, finding 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).¹ The Office also issued decisions dated August 7, 1995 and June 27, 1996 denying additional compensation.

Appellant requested a hearing, which was held on September 24, 1997. By decision dated December 29, 1997, an Office hearing representative affirmed the June 27, 1996 Office decision, which denied compensation based on wage-loss compensation for intermittent hours claimed by appellant between April 30, 1995 and May 29, 1996.

By letter dated December 29, 1998, appellant's requested reconsideration of the December 29, 1997 decision. Appellant did not submit any new factual or medical evidence with her request.

By decision dated January 12, 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.

¹ Docket No. 96-569 (issued March 1, 1999).

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.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

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. Thus, her request did not contain any new and relevant evidence for the Office to review. Additionally, appellant's December 29, 1998 letter failed to show that 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 she was entitled to compensation based on loss of wages for specified periods, 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.

The decision of the Office of Workers' Compensation Programs dated January 12, 1999 is hereby affirmed.

Dated, Washington, DC
March 19, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

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

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