

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARYLYN RIVERA and U.S. POSTAL SERVICE, MORGAN
PROCESSING & DISTRIBUTION CENTER, New York, NY

*Docket No. 01-1219; Submitted on the Record;
Issued January 25, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether the Office of Workers' Compensation Programs properly refused to reopen appellant's case for further review of the merits of her claim.

On April 15, 1999 appellant filed both a notice of traumatic injury and an occupational illness claim, alleging that she experienced stress and preterm contractions because of harassment by supervisors. The Office merged the two claims into a single claim for occupational illness. Appellant submitted a statement describing incidents and conditions of her employment to which she attributed her condition and medical reports regarding her physical and emotional condition. By decision dated October 4, 1999, the Office found that appellant had not established any compensable factors of employment.¹

By letter dated October 2, 2000, appellant requested reconsideration and submitted additional evidence. By decision dated December 28, 2000, the Office found that appellant's request was insufficient to warrant review of its prior decision.

The Board finds that the Office properly refused to reopen appellant's case for further review of the merits of her claim.

Under section 10.606(b) of the Code of Federal Regulations, a claimant may obtain review of the merits of his or her claim by showing that the Office erroneously applied or interpreted a 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 Section 10.608(b) provides that when an application for review of the merits of a claim does not meet at least one of these three requirements the Office will deny the application for

¹ Because this decision was issued more than one year prior to the date of appellant's appeal to the Board on March 27, 2001, the Board does not have jurisdiction to review this decision on appeal. 20 C.F.R. § 501.3(d)(2).

² 20 C.F.R. § 10.606(b) (1999).

review without reviewing the merits of the claim.³ 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. Evidence that does not address the particular issue involved does not constitute a basis for reopening a case.

Appellant's October 2, 2000 request for reconsideration did not show that the Office erroneously applied a point of law, nor did it advance a point of law not previously considered by the Office. In her statement, appellant argued that the Office erred in finding no evidence of error in the reasons her supervisor provided for denying her a light-duty assignment on the day shift. Copies of parts of the collective bargaining agreement were used to support appellant's arguments. However, these documents regarding appellant's reaction to her denial of a day work light-duty assignment do not add anything new.

Furthermore, appellant has not shown that the employing establishment erred in denying her light-duty requests. The prior decision found that these denials were an administrative matter and when light-duty work was unavailable, appellant's supervisor granted any request appellant made for leave on account of her medical condition. Appellant did not show that the Office erroneously applied a point of law, advance a new and relevant point of law or fact, or submit new and relevant evidence. Accordingly, the Board finds that the Office properly denied appellant's request for reconsideration without merit review of the claim.

The decision of the Office of Workers' Compensation Programs dated December 28, 2000 is hereby affirmed.

Dated, Washington, DC
January 25, 2002

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

³ 20 C.F.R. § 10.608(b) (1999).