

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ABDUL RAUF and DEPARTMENT OF THE NAVY,  
NAVAL SURFACE WARFARE CENTER, Port Hueneme, CA

*Docket No. 00-1151; Submitted on the Record;  
Issued March 5, 2002*

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DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issues are: (1) whether appellant established that his alleged emotional condition and heart condition were sustained in the performance of duty; and (2) whether the Office of Workers' Compensation Programs abused its discretion by denying appellant's request for reconsideration.

On November 5, 1996 appellant, a 57-year-old electrical engineer, filed a claim for benefits, claiming that he sustained chest pains, a heart condition and underwent open heart surgery on October 11, 1996 caused by factors of his employment, and that these conditions resulted from a meeting which occurred on October 11, 1996.

By decision dated December 18, 1996, the Office denied the claim, finding that appellant failed to submit medical evidence sufficient to establish that his claimed conditions were causally related to factors of his employment.

By letter dated January 14, 1997, appellant's attorney requested a hearing, which was held on September 15, 1998. At the hearing, appellant's attorney asserted that the October 11, 1996 meeting was conducted in an unreasonable and abusive manner to the extent that it constituted a compensable injury. Appellant testified as to the occurrence of additional events which, he asserted, culminated in his emotional condition/heart attack.

By decision dated May 24, 1999, an Office hearing representative affirmed the Office's December 18, 1996 decision, finding that appellant failed to establish that factors of his federal employment caused an emotional condition, resulting in his October 11, 1996 heart attack and heart condition.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case record. The Board finds that the May 24, 1999 decision of the hearing representative of the Office is in accordance with the facts and the law in this case

and hereby adopts the findings and conclusions of the hearing representative. The decision of the Office dated May 24, 1999 is therefore affirmed.

By letter dated July 13, 1999, appellant requested reconsideration of the hearing representative's May 24, 1999 decision. Appellant submitted various interoffice memoranda, an approval of administrative leave slip, performance appraisals and a January 18, 1996 report of management investigation. He did not submit any new medical evidence with this request.

By decision dated September 17, 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 his 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.<sup>1</sup> 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.<sup>2</sup>

In the present case, the evidence submitted on reconsideration does not show that the Office erroneously applied or interpreted a specific point of law; advanced a relevant legal argument not previously considered by the Office; or consist of relevant medical evidence. Additionally, appellant's July 13, 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 he sustained a heart condition and an emotional condition in the performance of duty, he failed to submit new and relevant evidence which would go to establishing a compensable factor of employment. Therefore, the Office did not abuse its discretion in denying appellant's request for reconsideration.

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

<sup>2</sup> *Howard A. Williams*, 45 ECAB 853 (1994).

The decisions of the Office of Workers' Compensation Programs dated September 17 and May 24, 1999 are hereby affirmed.

Dated, Washington, DC  
March 5, 2002

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member