

Office properly terminated appellant's compensation benefits effective August 15, 1999 on the basis that he had no continuing disability due to his work-related dermatitis. The law and facts of the case up to that point are set forth in the Board's prior decision and incorporated herein by reference.

In a letter dated November 20, 2001, appellant requested reconsideration and submitted additional medical evidence. In a report dated November 7, 2001, Dr. Toby R. Alligood, a Board-certified dermatologist, diagnosed pruritis over the face and eczematous of the crural thighs. Also submitted was a report from Dr. John Callahan, a Board-certified family practitioner, dated November 6, 2001, who diagnosed hypercholesterolemia, hypertension, diverticulosis, chronic obstructive pulmonary disease, history of acute myocardial infarction, history of rectal bleeding and colon polyps.

In a merit decision dated August 15, 2002, the Office denied modification of the prior decision.

In a letter dated August 11, 2003, appellant advised that he would like to bring his file to a closure. He submitted copies of reports from Dr. Alligood dated October 21, 1999 to December 4, 2002, which diagnosed pruritis secondary to low grade eczema. The Office also received a receipt for payment of medical services appellant received on June 26, 2003.

In a letter dated August 28, 2003, the Office notified appellant that it received his letter of August 11, 2003. Because of the ambiguous nature of appellant's prior correspondence, the Office advised that it assumed appellant was not requesting reconsideration and if that was not a correct assumption, please advise accordingly. In response, appellant submitted a letter dated September 4, 2003, clarifying that his earlier correspondence was intended to be a timely request for reconsideration.

In a decision dated September 15, 2003, the Office denied appellant's reconsideration request on the grounds that the evidence submitted was immaterial in nature and insufficient to warrant review of the prior decision.

LEGAL PRECEDENT

Section 10.606(b)(2) of Title 20 of the Code of Federal Regulations provides that a claimant may obtain review of the merits of the claim by either: (1) showing that the Office erroneously applied or interpreted a specific point of law; (2) advancing a relevant legal argument not previously considered by the Office; or (3) submitting relevant and pertinent new evidence not previously considered by the Office.² Section 10.608(b) provides that when an application for reconsideration does not meet at least one of the three requirements enumerated under section 10.606(b)(2), the Office will deny the application for reconsideration without reopening the case for a review on the merits.³

² 20 C.F.R. § 10.606(b)(2) (1999).

³ 20 C.F.R. § 10.608(b) (1999).

ANALYSIS

Appellant's September 4, 2003 request for reconsideration neither alleged nor demonstrated that the Office erroneously applied or interpreted a specific point of law. Additionally, appellant did not advance a relevant legal argument not previously considered by the Office. Consequently, appellant is not entitled to a review of the merits of his claim based on the first and second above-noted requirements under section 10.606(b)(2). With respect to the third requirement, submitting relevant and pertinent new evidence not previously considered by the Office, appellant submitted copies of reports from Dr. Alligood dated October 21, 1999 to December 4, 2002, which diagnosed pruritis secondary to low grade eczema. With the exception of the December 4, 2002 report, all of Dr. Alligood's reports were previously of record. The physician's December 4, 2002 report, notes a diagnosis of pruritis secondary to low grade eczema and is cumulative of evidence that is already in the record.⁴ Additionally, the June 26, 2003 receipt for medical services related to the diagnosis of dermatitis does not address the relevant issue on reconsideration, which is whether appellant has any continuing employment-related disability. Therefore, the Office properly determined that this evidence did not constitute a basis for reopening the case for a merit review. As appellant is not entitled to a review of the merits of his claim pursuant to any of the three requirements under section 10.606(b)(2), the Board finds that the Office properly denied appellant's September 4, 2003 request for reconsideration.

CONCLUSION

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

⁴ 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; *see Daniel Deparini*, 44 ECAB 657 (1993); *Eugene F. Butler*, 36 ECAB 393, 398 (1984); *Bruce E. Martin*, 35 ECAB 1090, 1093-94 (1984).

ORDER

IT IS HEREBY ORDERED THAT the September 15, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 23, 2004
Washington, DC

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member