

claim for reconsideration of the merits on March 21, 2000. The Board remanded the case for the Office to consider whether the new evidence submitted with her request for reconsideration warranted modification of the December 31, 1998 merit decision. The facts and the circumstances of the case as set out in the Board's prior decision are adopted herein by reference.

Following the Board's May 8, 2002 decision, the Office issued a merit decision on July 17, 2002, finding that the evidence submitted in support of appellant's March 14, 2002 reconsideration request was not sufficient to warrant modification of its prior decision. On July 16, 2003 appellant requested reconsideration of this decision.² By decision dated October 20, 2003, the Office denied appellant's request for reconsideration of the merits.

LEGAL PRECEDENT

The Office's regulations provide that a timely request for reconsideration in writing may be reviewed on its merits if the employee has submitted evidence or argument which shows that the Office erroneously applied or interpreted a specific point of law; advances a relevant legal argument not previously considered by the Office, or constitutes relevant and pertinent new evidence not previously considered by the Office.³

ANALYSIS

Appellant submitted evidence in support of her reconsideration request. In order to require the Office to reopen her claim for consideration of the merits, the evidence submitted must be relevant, new evidence not previously considered by the Office. The Office previously denied appellant's claim on grounds that there was insufficient medical evidence based on an accurate factual background of a single employment exposure to Sentinel 747 on January 29, 1998 to establish a causal relationship between her diagnosed conditions and her employment exposure.

In support of her request for reconsideration, appellant submitted a report dated November 26, 2002 from Dr. Raymond Singer, an attending clinical psychologist, who diagnosed multiple chemical sensitivity as a result of the employment exposure or exposures. While Dr. Singer opined that multiple chemical sensitivity could result from a single employment exposure, he also noted appellant's history of continuing employment exposures to Sentinel 747 after January 29, 1998. The Board notes that Dr. Singer is not a "physician" as defined under the Act as he is a psychologist and his opinion regarding appellant's physical condition of multiple chemical sensitivity is beyond his area of expertise. As this report does not constitute probative medical evidence, it is not relevant to the issue for which the Office denied

² The record contains a reconsideration request dated January 31, 2003 with the claim number of appellant's occupational disease claim. This claim was appealed to the Board under Docket No. 03-2033.

³ 5 U.S.C. §§ 10.609(a) and 10.606(b).

appellant's claim and is not sufficient to require the Office to reopen appellant's claim for consideration of the merits.⁴

Appellant also submitted portions of a deposition from Dr. Katherine Duvall, Board-certified in occupational medicine, dated January 23, 2001. The record previously contained a report from Dr. Duvall dated June 3, 1999 and reviewed by the Office in the July 17, 2002 merit decision. The deposition provides a restatement of the information found in the June 3, 1999 report and therefore does not constitute relevant new evidence not previously considered by the Office.

Appellant also submitted arguments in support of her reconsideration request alleging that the employing establishment conspired against her, that she had an allergic reaction while at the Office, and that the Social Security Administration had recognized multiple chemical sensitivity as medical determinable impairment. The Board finds that these arguments are not relevant to the reasons that the Office denied her claim. The findings of the Social Security Administration are not binding on the Office in the adjudication of claims under the Act.⁵

CONCLUSION

The Board finds that appellant failed to present relevant new evidence or relevant legal arguments such that the Office was required to reopen her claim for consideration of the merits.

⁴ The Board notes that this report is being reviewed in appellant's occupational disease claim, Docket No. 03-2033, currently under consideration by the Board.

⁵ See *Irene St. John*, 50 ECAB 521 (1999).

ORDER

IT IS HEREBY ORDERED THAT the October 20, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 29, 2004
Washington, DC

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member