



stopped working on July 14, 2000. By letter dated October 25, 2000, the Office accepted the claim for facial contusions and right shoulder sprain.

By decision dated December 12, 2001, the Office determined that appellant was not entitled to continuation of pay. An Office hearing representative affirmed the denial of continuation of pay by decision dated October 7, 2002.

Appellant filed a recurrence of disability claim (Form CA-2a) on October 22, 2002. She reported the dates of recurrence as July 14, 2000 and December 18, 2001. On February 10, 2003 appellant filed a claim for compensation (Form CA-7) from May 16, 2000 to June, 2002.

By decision dated April 16, 2003, the Office denied the claim for a recurrence of disability. It noted that further medical treatment was not authorized and any prior authorization was terminated. By decision dated May 2, 2003, the Office denied compensation for wage loss from May 16 to July 13, 2000. The Office stated that the decision did not affect her medical benefits. Appellant submitted a letter dated March 5, 2004 stating that she had not been reimbursed for any medical expenses.

In a decision dated May 10, 2004, an Office hearing representative affirmed the April 16, 2003 decision. The hearing representative found that the medical evidence did not establish an employment-related disability on or after May 16, 2000.

In a letter dated April 4, 2005, appellant requested reconsideration of the May 10, 2004 decision.<sup>2</sup> Appellant stated that she wanted to be reimbursed for medical expenses. She did not submit any additional evidence.

### **LEGAL PRECEDENT**

The Federal Employees' Compensation Act provides that the Office may review an award for or against compensation upon application by an employee (or his or her representative) who receives an adverse decision. The employee shall exercise this right through a request to the district Office. The request, along with the supporting statements and evidence, is called the "application for reconsideration."<sup>3</sup>

An employee (or representative) seeking reconsideration should send the application for reconsideration to the address as instructed by the Office in the final decision. The application for reconsideration, including all supporting documents, must be in writing and must set forth arguments and contain evidence that either: (1) shows that the Office erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by the Office; or (3) constitutes relevant and pertinent new evidence not previously considered by the Office.<sup>4</sup>

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<sup>2</sup> The date on the letter reads April 4, 2004, but since appellant refers to the May 10, 2004 decision and the letter was received by the Office on April 11, 2005, it appears that the date of the letter was April 4, 2005.

<sup>3</sup> 20 C.F.R. § 10.605 (1999).

<sup>4</sup> *Id.* at § 10.606.

A timely request for reconsideration may be granted if the Office determines that the employee has presented evidence and/or argument that meets at least one of these standards. If reconsideration is granted, the case is reopened and the case is reviewed on its merits. Where the request is timely but fails to meet at least one of these standards, the Office will deny the application for reconsideration without reopening the case for a review on the merits.<sup>5</sup>

### **ANALYSIS**

The May 10, 2004 Office decision found that appellant was not entitled to compensation for wage loss on or after May 16, 2000. On reconsideration, appellant did not submit new and relevant evidence. In her letter of reconsideration, appellant stated that she wanted to be reimbursed for medical expenses. Appellant did not discuss specifically which medical expenses she felt should be reimbursed, or provide other relevant information or argument. The April 16, 2003 Office decision terminated authorization for medical benefits but did not address any specific claim for reimbursement of medical expenses.<sup>6</sup>

Appellant's April 4, 2005 request for reconsideration did not show that the Office erroneously applied or interpreted a specific point of law, or advance a relevant legal argument not previously considered by the Office. Appellant did not meet any of the requirements of 10.606(b), and therefore she is not entitled to a merit review of her claim.

### **CONCLUSION**

The Board finds that appellant did not meet any of the requirements of 20 C.F.R. § 10.606(b) and the Office properly denied the April 4, 2005 request for reconsideration without reviewing the merits of the claim.

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<sup>5</sup> *Id.* at § 10.608.

<sup>6</sup> If there is specific medical treatment prior to this date for which appellant seeks reimbursement, she may pursue this issue before the Office and secure an appropriate final decision.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated April 29, 2005 is affirmed.

Issued: December 5, 2005  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board