



On January 22, 2004 appellant filed a Form CA-2a, claim for benefits, alleging that she sustained a recurrence of disability which was causally related to her accepted right hand tendinitis condition as of August 18, 2003.<sup>1</sup> Appellant submitted numerous handwritten treatment notes describing findings on examination and complaint of back, hand and left lower sciatica pain in 2001 and 2003.

By letter dated February 5, 2004, the Office advised appellant that a recurrence was defined as “spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause.” The Office noted that her case had been closed in 2001 due to lack of continuing medical reports or bills. The Office informed appellant that, in order to establish her claim for recurrence of disability, she needed to submit medical evidence which established the relationship of her current condition to her accepted injury. The Office provided 30 days to submit the requested information. Appellant did not submit any additional medical evidence.

By decision dated April 26, 2004, the Office denied appellant’s recurrence of disability claim. The Office found that appellant failed to submit medical evidence sufficient to establish that the claimed condition or disability as of August 18, 2003 was caused or aggravated by the accepted right hand tendinitis.

By letter dated December 10, 2004, appellant requested reconsideration. She submitted handwritten treatment notes which described findings on examination and complaint of back, hand and left lower sciatica pain in 2001 and 2003. The treatment records did not provide a medical opinion on whether her current right hand condition was causally related to her accepted right hand tendinitis condition. A treatment note dated September 16, 2003 stated that appellant had complained of right hand pain for years due to repetitive activity, and had been diagnosed with tendinitis. It stated that appellant was able to open and close her hand on examination; it does not, however, contain a legible signature from a physician.

By decision dated April 21, 2005, 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.

### **LEGAL PRECEDENT**

Under 20 C.F.R. § 10.606(b), 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>2</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>3</sup>

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<sup>1</sup> The date listed on the form is January 22, 2003; this date, however, can be presumed to be an error, as appellant listed the date of recurrence as August 18, 2003 and the form was received by the Office on February 2, 2004.

<sup>2</sup> 20 C.F.R. § 10.606(b)(1); *see generally* 5 U.S.C. § 8128(a).

<sup>3</sup> *Howard A. Williams*, 45 ECAB 853 (1994).

### ANALYSIS

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law; she has not advanced a relevant legal argument not previously considered by the Office; and she has not submitted relevant and pertinent evidence not previously considered by the Office. The evidence appellant submitted is not pertinent to the issue on appeal. Appellant submitted treatment notes from 2001 and 2003 which indicated that she was treated for right hand, back and left lower sciatica pain. However, these records did not provide any medical opinion regarding whether her current condition was caused or aggravated by her accepted right hand tendinitis condition. A September 16, 2003 treatment note stated that appellant had complained for years of right hand pain caused by repetitive activity at work and had been diagnosed with tendinitis. On examination, appellant was able to open and close her hand on examination. Therefore, the treatment notes appellant submitted are not relevant to the underlying issue in this case, which was whether appellant sustained a recurrence of disability as of August 18, 2003 caused or aggravated by her accepted right hand tendinitis condition. The Board has held that the submission of evidence which does not address the particular issue involved in the case does not constitute a basis for reopening the claim.<sup>4</sup> Appellant's reconsideration request failed to show that 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. The Office did not abuse its discretion in refusing to reopen appellant's claim for a review on the merits.

### CONCLUSION

The Office properly refused to reopen appellant's case for reconsideration on the merits of her claim under 5 U.S.C. § 8128(a).

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<sup>4</sup> See *David J. McDonald*, 50 ECAB 185 (1998).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 21, 2005 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: April 3, 2006  
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