

**United States Department of Labor
Employees' Compensation Appeals Board**

LEONARD M. GROOM, JR., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Ely, MN, Employer**

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**Docket No. 06-317
Issued: March 17, 2006**

Appearances:
Leonard M. Groom, pro se
Office of the Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On November 5, 2005 appellant filed a timely appeal from the Office of Workers' Compensation Programs' September 28, 2005 nonmerit decision, denying his request for reconsideration. Because more than one year has elapsed between the most recent merit decision dated September 21, 2004 and the filing of this appeal, the Board lacks jurisdiction to review the merits of his claim under 20 C.F.R. §§ 501.2(c) and 501.3.

ISSUES

The issue is whether the Office properly refused to reopen appellant's case for reconsideration of his claim under 5 U.S.C. § 8128.

FACTUAL HISTORY

Appellant, a 33-year-old postal clerk/sales associate, filed a Form CA-2 claim for compensation benefits on April 14, 2003 alleging that he developed a bilateral carpal tunnel condition causally related to employment factors. The Office accepted the claim for bilateral

carpal tunnel syndrome. On November 5, 2003 appellant filed a Form CA-7 claim for a schedule award based on a partial loss of use of his left and right upper extremities.

In a report dated February 13, 2004, Dr. Jed Downs, a specialist in occupational medicine, found that appellant had a 16 percent right upper extremity.

In a memorandum dated April 26, 2004, an Office medical adviser found that there was no substantive medical evidence to support a schedule award under the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (fifth edition).

By decision dated September 21, 2004, the Office denied appellant's claim for a schedule award.

By letter dated September 10, 2005, appellant requested reconsideration. He did not submit any additional medical evidence with his request.

By decision dated September 28, 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.¹ 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.²

ANALYSIS

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law. He did not advance a relevant legal argument not previously considered by the Office. Appellant did not submit any medical evidence in connection with his September 10, 2005 reconsideration request. Thus, the request did not provide any new and relevant evidence for the Office to review. In addition, appellant's reconsideration request contains arguments that are cumulative and repetitive of contentions that were presented and rejected by the Office in previous decisions. The Board finds that the Office properly refused to reopen appellant's claim for reconsideration.

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

² *Howard A. Williams*, 45 ECAB 853 (1994).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the September 28, 2005 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: March 17, 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