

claim for compensation. The Office found that the medical evidence was insufficient to establish an injury in the performance of duty.

On February 11, 2007 appellant requested reconsideration of her claim. She did not submit additional evidence or argument. By decision dated June 29, 2007, the Office determined that appellant's request for reconsideration was insufficient to warrant merit review of the claim.

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.¹ 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."²

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 evidence not previously considered by the Office.³

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.⁴

ANALYSIS

On appeal, appellant discussed the merits of her claim for compensation and submitted a medical report.⁵ But the only issue presented on appeal is whether appellant's application for reconsideration met any of the requirements of 20 C.F.R. § 10.606(b)(2). Appellant must show that the Office erroneously applied or interpreted a specific point of law, advance a relevant legal argument not previously considered by the Office or submit relevant and pertinent evidence not previously considered by the Office. The February 11, 2007 application for reconsideration did

¹ 5 U.S.C. § 8128(a).

² 20 C.F.R. § 10.605 (1999).

³ *Id.* at § 10.606(b)(2).

⁴ *Id.* at § 10.608(b).

⁵ The Board's jurisdiction is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). To the extent the report is duplicative of evidence that was before the Office, on this appeal the Board does not have jurisdiction over the merits of the claim.

not make any arguments or include any additional evidence. It does not meet any of the requirements of 20 C.F.R. § 10.606(b)(2) and therefore the Office properly denied the application without reopening the case for review on the merits.

CONCLUSION

Appellant did not meet any of the requirements of 20 C.F.R. § 10.606(b)(2) and the Office properly denied the application for reconsideration without reopening the case for merit review.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 29, 2007 is affirmed.

Issued: March 14, 2008
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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