

On appeal, appellant contends that the medical evidence establishes that he suffers from carpal tunnel syndrome causally related to his federal employment.

FACTUAL HISTORY

On August 12, 2013 appellant, then a 63-year-old program specialist, filed an occupational disease claim alleging that, as a result of his federal duties which involved significant repetitive movements including typing, using a mouse, and inputting data into the computer, he developed carpal tunnel syndrome.

By decision dated November 8, 2013, OWCP denied appellant's claim as he failed to establish a causal connection between the accepted duties of his federal employment and his diagnosed carpal tunnel syndrome. In reaching its decision, it reviewed various medical reports including a September 25, 2013 note by Dr. John S. Taras, a Board-certified orthopedic surgeon with a Board-certified subspecialty in surgery of the hand, who reported that he was treating appellant for bilateral carpal tunnel symptoms resulting from his job duties involving "a significant amount of repetitive movements such as long periods of typing and use of a mouse."

On January 16, 2014 appellant requested reconsideration. He contended that the medical evidence established that he had carpal tunnel syndrome causally related to his federal employment. Appellant resubmitted the September 25, 2013 note by Dr. Taras along with a January 3, 2014 work/activity status form wherein Dr. Taras marked a box indicating that appellant could work full duty with no restrictions.

By decision dated February 21, 2014, OWCP denied appellant's request for reconsideration without conducting a merit review.

On April 21, 2014 appellant again requested reconsideration. In a letter almost identical to the letter of January 16, 2014, he reargued that the medical evidence supported that he sustained carpal tunnel syndrome causally related to the duties of his federal employment. Appellant resubmitted the September 25, 2013 note by Dr. Taras.

By decision dated July 25, 2014, OWCP denied appellant's reconsideration request without conducting a merit review of the evidence.

LEGAL PRECEDENT

To require OWCP to reopen a case for merit review under section 8128(a) of FECA,² OWCP's regulations provide that the evidence or argument submitted by a claimant must: (1) show that OWCP erroneously applied or interpreted a specific point of law; (2) advance a relevant legal argument not previously considered by OWCP; or (3) constitute relevant and pertinent new evidence not previously considered by OWCP.³ To be entitled to a merit review

² *Id.* at §§ 8101-8193. Under section 8128 of FECA, "[t]he Secretary of Labor may review an award for or against payment of compensation at any time on [her] own motion or on application." 5 U.S.C. § 8128(a).

³ 20 C.F.R. § 10.606(b)(3).

of an OWCP decision denying or terminating a benefit, a claimant also must file his or her application for review within one year of the date of that decision.⁴ When a claimant fails to meet one of the above standards, OWCP will deny the application for reconsideration without reopening the case for review on the merits.⁵

The Board has held that the submission of evidence or argument which repeats or duplicates evidence or argument already in the case record and the submission of evidence or argument which does not address the particular issue involved does not constitute a basis for reopening a case.⁶

ANALYSIS

By decision dated November 8, 2013, OWCP denied appellant's claim for compensation, as it determined that appellant had failed to establish a causal connection between the accepted duties of his federal employment and his diagnosed carpal tunnel syndrome. Appellant requested reconsideration on January 16 and April 21, 2014. His requests for reconsideration were denied in decisions dated February 21 and July 25, 2014.

On appeal, appellant argues the merits of his claim, *i.e.*, he contends that the medical evidence supports that he suffered from carpal tunnel syndrome causally related to his federal employment. However, as noted previously, as the last merit decision, dated November 8, 2013, was issued more than 180 days before the filing of this appeal on August 18, 2014, the Board is precluded from considering the merits of the claim on appeal.⁷

The threshold issue to be resolved is whether appellant established that his carpal tunnel syndrome was causally related to the accepted factors of his federal employment. This was a medical issue which must be addressed by pertinent new and relevant medical evidence.⁸ The only new evidence submitted by appellant on reconsideration was a January 3, 2014 work/activity status form signed by Dr. Taras indicating that appellant could work full duty with no restrictions. The Board has held that the submission of evidence which does not address the particular issue involved does not constitute a basis for reopening a case.⁹ As the work/activity status form does not address the issue of causal relationship, it does not constitute a basis for reopening appellant's case. Appellant also resubmitted the September 25, 2013 report by Dr. Taras, a report previously considered by OWCP when it denied appellant's claim. Evidence

⁴ *Id.* at § 10.607(a).

⁵ 20 C.F.R. § 10.608(b).

⁶ *T.E.*, Docket No. 14-1047 (issued October 9, 2014).

⁷ *See* 20 C.F.R. § 501.3(e); *see also A.B.*, Docket No. 13-1465 (issued June 4, 2014).

⁸ *See J.S.*, Docket No. 14-465 (issued October 16, 2014).

⁹ *P.C.*, 58 ECAB 405, 412 (2007); *Ronald A. Eldridge*, 53 ECAB 218, 222 (2001); *Alan G. Williams*, 52 ECAB 180, 187 (2000).

that repeats or duplicates evidence already in the case record has no evidentiary value and does not constitute a basis for reopening a case.¹⁰

The Board finds that appellant did not meet any of the requirements of 20 C.F.R. § 10.606(b)(3). Appellant did not show that OWCP erroneously applied or interpreted a specific point of law, advance a relevant legal argument not previously considered by OWCP or constitute pertinent new and relevant evidence not previously considered. Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

CONCLUSION

The Board finds that OWCP properly refused to reopen appellant's case for further review on the merits pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated July 25 and February 21, 2014 are affirmed.

Issued: January 8, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

¹⁰ *P.B.*, Docket No. 14-908 (issued October 9, 2014).