



decision. On February 9, 2006 the Board affirmed the Office's decisions.<sup>1</sup> The complete facts of this case are set forth in the Board's February 9, 2006 decision and are herein incorporated by reference.

By letter dated August 16, 2006, appellant requested reconsideration, noting that he had previously faxed new medical evidence to the Board during the period his appeal was pending. Appellant did not resubmit any evidence to the Office in support of his request for reconsideration.

By decision dated October 4, 2006, 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>

### **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 relevant and pertinent evidence not previously considered by the Office. He did not submit any medical evidence in connection with his August 16, 2006 reconsideration request. Thus, the request did not contain any new and relevant evidence for the Office to review. Although appellant contended that he had submitted additional evidence to the Board during the time his appeal was pending, he did not submit this evidence to the Office.<sup>4</sup> Any new evidence which supports appellant's claim must be submitted to the Office, together with a request for reconsideration.<sup>5</sup> As appellant did not submit the new evidence to the Office for review, the Board finds that the Office properly refused to reopen appellant's claim for reconsideration.

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<sup>1</sup> Docket No. 06-68 (issued February 9, 2006).

<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).

<sup>4</sup> 20 C.F.R. § 501.2(c).

<sup>5</sup> 20 C.F.R. § 10.606.

**CONCLUSION**

The Board finds that 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 October 4, 2006 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: June 13, 2007  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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

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