

RECEIVED JAN 25 2013

U S. DEPARTMENT OF LABOR

OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 6 JAC
LONDON, KY 40742-8300
Phone: (904) 366-0100

January 22, 2013

Date of Injury:
Employee:

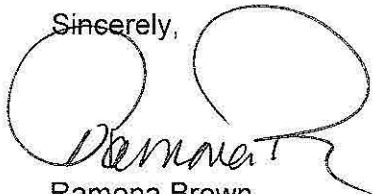
Dear _____:

This concerns your compensation case and your request for reconsideration received 12/11/2012

We have evaluated the evidence submitted in support of your request for review. Your case has been reviewed on its merits under Title 5, United States Code, Section 8128, in relation to your application including supporting evidence. It is determined that the prior decision be vacated. The reasons for this decision are outlined in the enclosure.

Therefore, the decision dated 01/12/2012 is vacated and your case is accepted for brain hematoma (left) and memory loss.

Sincerely,



Ramona Brown
Senior Claims Examiner

PAUL H FELSER
FELSER LAW FIRM
7 EAST CONGRESS STREET SUITE 400
SAVANNAH, GA 31401

If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.

NOTICE OF DECISION

ISSUE: The issue in this case is whether you have submitted sufficient evidence with your request for reconsideration to warrant modification of the office's prior decisions denying your claim for a work related injury

REQUIREMENTS FOR ENTITLEMENT: 20 C F R. § 10.605 through 10.609 outline the procedure for application and the Office's handling of requests for reconsideration. A claimant may obtain review of the merits of his or her claim by written request to the Office and by showing that the Office erroneously applied or interpreted a point of law, by advancing a point of law or fact not previously considered by the Office, or by submitting relevant and pertinent evidence not previously considered by the Office. When an application for review of the merits of a claim does not meet at least one of these three requirements, the Office will deny the application for review without reviewing the merits of the claim.

In your case, you submitted new medical evidence

In order to establish entitlement the claimant must provide rationalized medical evidence that shows the injury or factors of employment, through a natural and unbroken sequence, result in the condition claimed. A medical condition should be diagnosed in connection with this event establishing causal relationship.

In the present case, for our office to modify the prior decision, you would need to submit new and relevant medical evidence including a rationalized medical opinion to support that the alleged head injury is causally related to factors of your employment as claimed.

BACKGROUND: While employed as an _____ with the _____, you file a timely notice of traumatic injury for an injury occurring on _____. After proper development the Office denied your claim on 10/20/2010, as the factual evidence did not support the event as claimed.

You disagreed with the 10/20/2010 decision and requested reconsideration. On 10/27/2011 a formal decision was issued modifying your claim that fact of injury had been proven however, your claim was again denied because the evidence did not support causal relationship had been established.

You disagreed with the 10/27/2011 decision and again requested reconsideration. On 01/12/2012 your claim was again denied on causal relationship.

In disagreeing with the 01/12/2012 decision you appeal to the Employees Compensation Appeals Board (ECAB). However, you withdrew this request per your attorney's letter dated 07/30/2012.

You have now again requested reconsideration per your attorney's letter dated 12/22/2012.

Per office procedures a notice was sent to your employer advising them of your reconsideration request.

DISCUSSION OF EVIDENCE: Along with the letter requesting reconsideration and since the last merit decision on file we have received the following evidence:

- A congressional correspondence dated 01/25/2012, 01/27/2012, 03/12/2012, 05/04/2012 and 06/20/2012

