

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

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C.S., Appellant )

and )

**DEPARTMENT OF HEALTH & HUMAN )  
SERVICES, NATIONAL DISASTER MEDICAL )  
SERVICES, Bethesda, MD, Employer )**

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**Docket No. 14-1994  
Issued: June 26, 2015**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER GRANTING PETITION FOR RECONSIDERATION**

Before:

CHRISTOPHER J. GODFREY, Chief Judge  
ALEC J. KOROMILAS, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

On January 21, 2015 the Board issued a decision and order in the above-entitled case. By that decision, the Board affirmed the Office of Workers' Compensation Programs' (OWCP) August 21, 2014 decision, finding that it properly declined to reopen appellant's claim for review of the merits.

Counsel filed a petition for reconsideration on February 16, 2015 and requested that the Board correct a typographical error in the first paragraph of the decision. He noted that the Board had listed the date of the last merit Board decision as April 24, 2013 rather than April 24, 2014.

The Clerk of the Board served the Director of OWCP with a copy of appellant's petition for reconsideration on March 20, 2015. On March 20, 2015 the Director filed an answer stating that he had no comment and requesting that the Board rule justly on the petition.

The Clerk of the Board served counsel with a copy of the Director's answer to his petition for reconsideration on March 20, 2015. Counsel did not respond within the time allotted.

The Board has duly considered the matter and notes that the standard for granting a petition for reconsideration is that the Board's decision contains an error of fact or law warranting further consideration.<sup>1</sup> In the petition for reconsideration, counsel has submitted evidence of an error of fact in the January 21, 2015 decision in that the Board misstated the date of its last merit decision as April 24, 2013 in the jurisdictional paragraph. The Board found and referred to April 24, 2014, as the date of the last merit decision in the remainder of the decision.

Consequently, appellant's petition for reconsideration should be granted and the decision and order docketed as No. 14-1994 should be reissued with a corrected date of April 24, 2014 as the date of the last merit Board decision in the jurisdictional paragraph.

**IT IS HEREBY ORDERED THAT** appellant's petition for reconsideration is granted.

Issued: June 26, 2015  
Washington, DC

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

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

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

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<sup>1</sup> *Virginia Faye Gabbert (Byron Lowell Gabbert)*, 21 ECAB 149 (1969).