



docket issued on August 8, 2012.” In a July 25, 2015 letter, appellant’s representative requested reconsideration. By decision dated October 23, 2015, OWCP denied his reconsideration request on the grounds that it was untimely filed and failed to present clear evidence of error on the part of OWCP.

The Board finds that appellant’s July 21, 2013 letter, received August 2, 2013, was a timely request for reconsideration. Although the letter did not use the word reconsideration, appellant stated that he wanted OWCP to “review” his claim and he provided several arguments to support his assertion that his claim was valid.<sup>3</sup> Section 10.607(a) of the implementing regulations provide that an application for reconsideration must be received within one year of the date of OWCP’s decision for which review is sought.<sup>4</sup>

The Board notes that the last merit decision was the Board’s August 8, 2012 decision<sup>5</sup> and appellant’s request for reconsideration was received by OWCP on August 2, 2013. As the request was received within one year of the August 8, 2012 decision, it was timely filed.

Because appellant filed a timely reconsideration request, the case will be remanded to OWCP for application of the standard for reviewing timely requests for reconsideration.<sup>6</sup> The “clear evidence of error” standard utilized by OWCP in its October 23, 2015 decision is appropriate only for untimely reconsideration requests. After such further development as the OWCP deems necessary, it should issue an appropriate decision.

---

<sup>3</sup> While no special form is required, a reconsideration request must be in writing, identify the decision and specific issue(s) for which reconsideration is being requested, and be accompanied by relevant and pertinent new evidence or argument not previously considered. The application need not contain the word reconsideration. *Gladys Mercado*, 52 ECAB 255 (2001); *Vincente P. Taimanglo*, 45 ECAB 504 (1994); *D.W.*, Docket No. 12-1226 (issued November 26, 2012).

<sup>4</sup> 20 C.F.R. § 10.607(a).

<sup>5</sup> OWCP procedures provide that a right to reconsideration within one year accompanies any merit decision of the Board. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(a) (February 2016).

<sup>6</sup> See 20 C.F.R. § 10.606(b)(3).

**IT IS HEREBY ORDERED THAT** the October 23, 2015 decision of the Office of Workers' Compensation Programs is set aside and remanded for further action consistent with this order of the Board.

Issued: August 11, 2016  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board