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

A.M., Appellant	) )
and	)
U.S. POSTAL SERVICE, POST OFFICE, Washington, DC, Employer	)   188ded. September 28, 2011 
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## **ORDER REMANDING CASE**

Before:
RICHARD J. DASCHBACH, Chief Judge
ALEC J. KOROMILAS, Judge
COLLEEN DUFFY KIKO, Judge

On December 23, 2010 appellant filed a timely appeal of a June 28, 2010 final decision of the Office of Workers' Compensation Programs (OWCP). The appeal was docketed as No. 11-512.

On a prior appeal, the Board had directed OWCP to issue a decision on the merits of the claim.<sup>1</sup> The Board explained that appellant had timely requested reconsideration of a March 15, 2007 merit decision by OWCP, but OWCP delayed issuance of a decision which compromised appellant's appeal rights.

The June 28, 2010 OWCP decision is not a decision on the merits of the claim. The decision found that appellant's reconsideration was insufficient "to warrant a review of our prior decision at this time." The case will be remanded for a decision on the merits of the claim, in accord with the Board's May 18, 2010 order, without further delay.

<sup>&</sup>lt;sup>1</sup> Docket No. 09-2022 (issued May 18, 2010).

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated June 28, 2010 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: September 28, 2011

Washington, DC

Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

Alec J. Koromilas, Judge Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board