

namely, whether appellant's application presented clear evidence of error in OWCP's prior decision."³ He concluded that "this higher standard of review is not warranted" under the circumstances in this case. On remand, the Director stated that OWCP will review appellant's request for reconsideration under the proper standard of review for timely reconsideration requests. Following this and any necessary further development, he stated that OWCP will issue a "merit reconsideration decision pursuant to 20 C.F.R. § 10.606."

The Clerk of the Board served appellant with a copy of the Director's motion to remand.

On April 17, 2012 appellant advised the Board, *inter alia*, that he wished to pursue reconsideration before OWCP at this time and did not want his appeal processed.

The Board has duly considered the matter and concludes that, as the Director has acknowledged that OWCP applied the incorrect standard for review to appellant's timely reconsideration request and as on remand OWCP will apply the proper standard for review and issue a merit reconsideration decision following any necessary further development, the Director's motion to remand should be granted. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. The decision of OWCP dated December 18, 2011 is set aside; the case is remanded for further proceedings consistent with this order.

Issued: May 24, 2012
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

³ See 20 C.F.R. § 10.607(b).