

The Board has considered the matter and finds that the February 24, 2012 request constituted a timely request for reconsideration. OWCP regulations provide that an application for reconsideration must be received by OWCP within one year of the date of the OWCP

decision for which review is sought.¹ OWCP procedures note that the one-year time limit for requesting reconsideration begins on the date of the original decision and also accompanies any subsequent merit decision on the issues.² The procedures further note that the “request does not have to be submitted on the appeal request form; letter format is acceptable” and “the word ‘reconsideration’ does not need to be stated in the request for it to be considered valid, but sufficient detail should be provided to discern the decision being contested.”³

As the September 23, 2011 OWCP decision was a merit decision, appellant had one year from September 23, 2011 to request reconsideration. The Board finds that appellant’s letter dated February 24, 2012 and received by OWCP on March 6, 2012 was a request for reconsideration of the September 23, 2011 OWCP decision. Although appellant did not use the word “reconsideration” he provided sufficient detail to discern that he was contesting the denial of his claim. The Board finds that appellant’s request was timely, as it was dated February 24, 2012 and received on March 6, 2012, and was clearly made within one year of the OWCP’s September 23, 2011 decision. 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.⁴ The “clear evidence of error” standard utilized by OWCP in its May 9, 2013 decision is appropriate only for untimely reconsideration requests. After such further development as OWCP deems necessary, it should issue an appropriate decision to protect appellant’s appeal rights.

¹ 20 C.F.R. § 10.607(a).

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(a) (October 2011).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.3(a)(1-2) (October 2011). *See Jack D. Johnson*, 57 ECAB 593 (2006) (the Board has held that there may be a request for reconsideration in situations where a letter does not contain the word reconsideration).

⁴ *See* 20 C.F.R. § 10.606(b)(2).

IT IS HEREBY ORDERED THAT the May 9, 2013 decision of the Office of Workers' Compensation Programs is set aside and the case remanded to OWCP for further action consistent with this order of the Board.

Issued: February 21, 2014
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board