

By letter dated September 20, 2012, appellant requested reconsideration “for the termination of my claim on January 18, 2007 for no residual of ongoing disability” and submitted evidence.

In the March 18, 2013 decision, OWCP failed to address the proper issue on reconsideration. OWCP stated that the request for reconsideration concerned whether appellant had sustained a recurrence of disability; yet the issue on reconsideration clearly was the termination of medical benefits.

The Board has duly considered the matter and finds that OWCP failed to address the relevant issue in this case. Appellant specifically requested reconsideration of OWCP’s decision terminating her medical benefits as of January 18, 2007 on the grounds that she no longer had any employment-related residuals or disability. Therefore, the decision is void *ab initio*, that is, void from its inception and of no force and effect³. OWCP should have adjudicated the issue of whether appellant’s September 20, 2012 request for reconsideration of the termination of her medical benefits was timely filed or established clear evidence of error. The Board finds that the case must be remanded to OWCP for a proper decision on this issue.⁴ Following this and such other development as deemed necessary, OWCP shall issue an appropriate decision on appellant’s September 20, 2012 request for reconsideration.

³ Cf. *Donald E. Buckles*, 43 ECAB 707 (1992), in which the Board found that its prior order remanding case was void *ab initio* where the Board had no authority, due to lack of jurisdiction, to issue the order at the time of issuance. In the instant case, OWCP improperly adjudicated a recurrence issue when appellant had requested reconsideration of the termination of her medical benefits. OWCP’s actions precluded appellant from a proper adjudication of her reconsideration request and, as such, it acted outside its authority when issuing the March 18, 2013 decision on the recurrence issue.

⁴ In light of the disposition of this case, the Board finds that the May 7, 2013 OWCP decision denying an oral hearing is moot.

IT IS HEREBY ORDERED THAT the March 18, 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.

Issued: May 16, 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