

that the record reflects that on May 15, 2009 the Office scanned appellant's letter of May 11, 2009 requesting reconsideration into evidence.

As the record establishes that the Office timely received appellant's request for reconsideration within one year of the June 17, 2008, it erroneously applied the standard for clear evidence of error to the consideration of her request. The case will be remanded to the Office to proceed with a review of appellant's reconsideration application under the legal standard applicable to a timely request.⁴

IT IS HEREBY ORDERED THAT the November 12, 2009 decision of the Office of Workers' Compensation Programs be set aside. The case is remanded for further action in conformance with this order and an appropriate decision on appellant's request for reconsideration.

Issued: April 6, 2011
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

⁴ 20 C.F.R. § 10.606(b)(2). See *Donald M. Campbell*, 55 ECAB 241 (2004).