



reconsideration begins on the date of the original decision and also accompanies any subsequent merit decision on the issues, including “any merit decision by the [Board].”<sup>3</sup> As the May 18, 2010 decision of the Board was a merit decision, appellant had one year from May 18, 2010 to request reconsideration. The Board finds that his request was timely, as it was dated August 13, 2010 and received on August 19, 2010, and was clearly made within one year of the Board’s May 18, 2010 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.<sup>4</sup> The “clear evidence of error” standard utilized by OWCP in its November 5, 2010 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.

**IT IS HEREBY ORDERED THAT** the November 5, 2010 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: September 28, 2011  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees’ Compensation Appeals Board

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

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<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.3(b)(1) (January 2004).

<sup>4</sup> *See* 20 C.F.R. § 10.606(b)(2).