

The record reflects that appellant's request for reconsideration was timely. Section 10.607(a) of the implementing regulations provide that an application for reconsideration must be received within one year of the date of OWCP's decision for which review is sought.¹ The Board notes that the last merit decision was dated February 9, 2011 and appellant's request for reconsideration was originally received by OWCP on January 23, 2012. As appellant's request was received by OWCP on January 23, 2012, it was timely filed.

The Board finds that OWCP improperly reviewed the evidence under section 8128 and the clear evidence of error standard. As appellant made a timely request for reconsideration of the last merit decision, which was dated February 9, 2011, OWCP should have reviewed her request under the standard for a timely request,² as opposed to the standard for untimely requests.

The Board will set aside OWCP's July 3, 2013 decision and remand the case for an appropriate final decision on appellant's timely request for reconsideration.

IT IS HEREBY ORDERED THAT the July 3, 2013 decision is set aside and remanded.

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

¹ 20 C.F.R. § 10.607(a).

² *See id.* at 10.606(b).