

was untimely filed and failed to establish clear evidence of error. Appellant requested reconsideration on March 23, 2012. By decision dated June 20, 2012, OWCP denied his request for reconsideration without a review of the merits, stating that he “neither raised substantive legal questions nor included new and relevant evidence.” Appellant again requested reconsideration on November 6, 2012 of the February 16, 2012 decision. On December 18, 2012 OWCP informed him to refer to the appeal rights that accompanied the February 16, 2012 decision.

Section 8124(a) of FECA provides: “[OWCP] shall determine and make a finding of fact and make an award for or against payment of compensation”³ Section 10.126 of Title 20 of the Code of Federal Regulations provide: “The decision shall contain findings of fact and a statement of reasons.”⁴ Moreover, OWCP’s procedures provide: “The reasoning behind the [OWCP’s] evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.”⁵

OWCP did not discharge its responsibility to provide appellant a statement explaining the disposition so that appellant could understand the basis for the decision as well as the precise defect and the evidence needed to overcome the denial of his claim.

The case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding appellant’s request for reconsideration on the denial of his claim for a schedule award or why he is not entitled to further reconsideration. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision.

³ 5 U.S.C. § 8124(a); *see Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

⁴ 20 C.F.R. § 10.126. *See also O.R.*, 59 ECAB 432 (2008).

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.4(e) (March 1997).

IT IS HEREBY ORDERED THAT the December 18, 2012 Office of Workers' Compensation Programs' decision be set aside and the case remanded for further action consistent with this order of the Board.

Issued: January 2, 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