

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of AMINATA A. ROSS and U.S. POSTAL SERVICE,  
POST OFFICE, Greensboro, NC

*Docket No. 02-1294; Submitted on the Record;  
Issued November 5, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

The issues are: (1) whether the Office of Workers' Compensation Programs properly determined that appellant had requested a review of the written record; and (2) if so, whether the Office properly denied the request.

The Office accepted that appellant sustained a right knee contusion in the performance of duty on May 14, 1999. Appellant filed a notice of recurrence of disability commencing October 13, 1999; in a decision dated January 24, 2000, the Office denied the claim for a recurrence of disability. A hearing was held on August 23, 2000, and by decision dated November 13, 2000, the Office hearing representative affirmed the prior decision.

In a letter dated November 6, 2001, appellant requested reconsideration of her claim. The address provided in the letter was the Department of Labor, Division of Federal Employees' Compensation, in Washington, D.C.

By decision dated January 11, 2002, the Office's Branch of Hearings and Review determined that appellant had requested a review of the written record. The Branch of Hearings and Review denied the request, finding that appellant had already received an oral hearing on the issue and the case could be addressed by a request for reconsideration.

The Board finds that appellant had requested reconsideration of her claim, not a review of the written record.

The November 6, 2001 letter clearly requests "reconsideration" of the claim. Although the letter was apparently addressed to a Washington, D.C. address used by the Branch of Hearings and Review, the Board notes that the appeal rights accompanying the November 13, 2000 decision advise appellant to request reconsideration "to the district Office at the address which appears above." There are, however, two addresses appearing above the reconsideration request information: the Jacksonville district Office, as well as the letterhead address used by appellant in this case.

The Office's procedure manual does not discuss the issue of a reconsideration request sent to the Branch of Hearings and Review. In the reverse situation, where a hearing request has been sent to the district Office, Office procedures require that it be forwarded to the Branch of Hearings and Review.<sup>1</sup> Since appellant clearly requested reconsideration of the claim, the Board finds that the request should have been forwarded to the proper district Office for a decision. The case will therefore be remanded to the Office for an appropriate decision on the reconsideration request.

The decision of the Office of Workers' Compensation Programs dated January 11, 2002 is set aside and the case remanded for further action consistent with this decision.

Dated, Washington, DC  
November 5, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.3 (July 1999).