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E.C., Appellant	)	
	)	
and	)	Docket No. 10-1363
	)	Issued: April 6, 2011
U.S. POSTAL SERVICE, POST OFFICE,	)	
New Orleans, LA, Employer	)	
	)	

Case Submitted on the Record

Before:
COLLEEN DUFFY KIKO, Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

The Board has duly considered the matter and finds that appellant's reconsideration request was timely filed. On appeal, appellant contended that she submitted a timely request for reconsideration. She mailed her request packet on May 12, 2009 within one year of the June 17, 2008 Office decision denying her claim.² Appellant cited to a signed return receipt that documented the Office received her request on May 14, 2009 at 10:41 a.m.³ The Board notes

³ Appellant submitted new evidence with her appeal. The Board's review of a case is limited to the evidence of record at the time of the Office's final decision from which an appeal is made. See 20 C.F.R. § 501.2(c)(1).

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).