

OWCP's regulations and Board case law require OWCP to send a copy of its decision to the authorized representative.¹ The Board has held that a decision under the Federal Employees Compensation Act² (FECA) is not properly issued unless both appellant and the authorized representative have been sent copies of the decision.³ As the November 28, 2011 decision was not sent to appellant's representative, the Board concludes that the decision was not properly issued. The Board will set aside the decision and remand the case for an appropriate and properly issued merit decision on the relevant issues. Accordingly,

IT IS HEREBY ORDERED THAT the November 28, 2011 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 29, 2012
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. § 10.127 provides, a copy of the decision shall be mailed to the employee's last known address. If the employee has a designated representative before OWCP, a copy of the decision will also be mailed to the representative. *See also M.R.*, Docket No. 11-632 (issued September 28, 2011). In *George R. Bryant*, Docket No. 03-2241 (issued April 19, 2005), the Board found that OWCP did not properly issue its June 18, 2003 decision when it did not send a copy of that decision to the authorized representative. In *James Consentino*, Docket No. 04-1774 (issued October 21, 2004), the Board found that OWCP improperly issued a decision terminating compensation because it did not mail the decision to appellant's representative and declared the termination decision null and void.

² 5 U.S.C. § 8101 *et seq.*

³ *See R.J.*, Docket No. 12-174 (issued June 25, 2012); *Travis L. Chambers*, 55 ECAB 138 (2003).