

after June 1, 1987 through August 28, 2011, the one-year period begins on the date of original decision, and the application for reconsideration must be mailed to OWCP within one year of the date of the OWCP decision for which review is sought.² As OWCP's most recent merit decision was dated February 14, 2011 and appellant's request for reconsideration was postmarked on February 13, 2012, the request was made within one year from the February 14, 2011 merit decision. Because appellant filed a timely reconsideration request, the case will be remanded to OWCP for application of the standard for reviewing timely requests for reconsideration.³ The "clear evidence of error" standard utilized by OWCP in its May 22, 2012 decision is appropriate only for untimely reconsideration requests. After such further development as OWCP deems necessary, it should issue an appropriate decision on the timely reconsideration request.

IT IS HEREBY ORDERED THAT the May 22, 2012 decision is set aside and the case remanded for further action consistent with this order.

Issued: January 25, 2013
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

² FECA Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(e) (October 2011).

³ See 20 C.F.R. § 10.606(b)(3).