

or after June 1, 1987 through August 28, 2011, the one-year period begins on the date of the original decision and the application for reconsideration must be mailed to OWCP within one year of the date of OWCP's decision for which review is sought.² The Board notes that the last merit decision was dated February 9, 2011 and appellant's request for reconsideration was postmarked on February 9, 2012, the request was made within one year from the February 9, 2011 merit decision.³ 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.⁴ The "clear evidence of error" standard utilized by OWCP in its April 16, 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 April 16, 2012 decision is set aside and the case remanded for further action consistent with this order of the Board.

Issued: January 30, 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 Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(e) (October 2011). The Board has held that the envelope bearing the postmark is *prima facie* evidence of the date of mailing. *See Wanda E. Maisonet*, 48 ECAB 212 (1996).

³ In computing the time for requesting reconsideration, the date of the event from which the designated time period begins to run shall not be included when computing the time period. However, the last day of the period shall be included unless it is a Saturday, a Sunday or a legal holiday. *Debra McDavid*, 57 ECAB 149 (2005).

⁴ *See* 20 C.F.R. § 10.606(b)(3).