



untimely, OWCP stated that the application had been received on December 12, 2012, which was more than one year following the issuance of OWCP's November 23, 2011 decision. However, the record reflects that the reconsideration request was stamped as received on November 21, 2012, prior to the expiration of the one-year time limit.

Pursuant to OWCP regulations at 20 C.F.R. § 10.607(a), for OWCP decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.<sup>3</sup> In this case, the request was received November 21, 2012, which is less than one year after the issuance of the November 23, 2011 OWCP merit decision.

Since the application for reconsideration was within one year of OWCP's decision for which review is sought, it is timely. OWCP reviewed the application under a clear evidence of error standard appropriate for an untimely request. The case will accordingly be remanded for proper consideration of the timely reconsideration request pursuant to the criteria set forth in 20 C.F.R. § 10.606(b)(3). Following any necessary further development, OWCP shall issue an appropriate decision.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated March 12, 2013 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: April 15, 2014  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> 20 C.F.R. § 10.607(a) (2011); *see also* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (October 2011). For decisions issued prior to August 29, 2011, the date of mailing was used to determine timeliness. *See* 20 C.F.R. § 10.607(a) (2010).