

In a September 11, 2013 decision, OWCP denied appellant's request for reconsideration without a review of the merits, finding that he neither raised substantive legal questions nor included new and relevant evidence.

The Board has duly considered the matter and finds that this case is not in posture for decision. Section 8124(a) of the Federal Employees' Compensation Act provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.¹ Its regulations also state that the decision shall contain findings of fact and a statement of reasons.² The reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.³

In its September 11, 2013 decision, OWCP did not discharge its responsibility to provide appellant a statement explaining the disposition so that he could understand the basis for the decision as well as the precise defect and the evidence needed to overcome the denial of his claim. The Board notes that it did not provide any discussion of the arguments appellant submitted in support of his reconsideration request.

Accordingly, the case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding appellant's request for reconsideration on the denial of his claim for an emotional condition or why he is not entitled to further reconsideration. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision.

¹ 5 U.S.C. § 8124(a); see *Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

² 20 C.F.R. § 10.126. See also *O.R.*, 59 ECAB 432 (2008); *Teresa A. Ripley*, 56 ECAB 528 (2005); *M.L.*, Docket No. 09-956 (issued April 15, 2010).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (c) (February 2013).

IT IS HEREBY ORDERED THAT the September 11, 2013 decision of the Office of Workers' Compensation Programs' decision is set aside and the case remanded for further action consistent with this order of the Board.

Issued: November 7, 2014
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board