

OWCP and dismissed appellant's petition for reconsideration of the Board's June 4, 2012 decision on the grounds that it was not timely filed.

By letter dated June 9, 2014, appellant requested reconsideration before OWCP. He submitted a computer disc which contained medical records regarding his claimed injury and the findings of a labor commission.

In a July 7, 2014 decision, OWCP denied appellant's request for reconsideration without a merit review. It found that the request was not filed within one year of its November 22, 2011 merit decision and did not establish clear evidence of error.

The Board has duly considered the matter and finds that this case is not in posture for decision. Section 8124(a) of FECA provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.⁵ Its regulations also state that the decision shall contain findings of fact and a statement of reasons.⁶ 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.⁷ In its July 7, 2014 decision, OWCP did not discharge its responsibility to provide appellant a statement explaining the disposition so that appellant 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 OWCP denied appellant's June 9, 2014 request for reconsideration because it was untimely, but failed to provide any discussion of the evidence he submitted in support of his reconsideration request and to explain how the evidence failed to establish clear evidence of error.

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 traumatic injury claim 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.

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

⁶ 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).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5(c) (February 2013).

IT IS HEREBY ORDERED THAT the July 7, 2014 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: March 2, 2015
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