



appellant's request was untimely filed and failed to demonstrate clear evidence of error. It found that her March 2, 2016 letter and the additional evidence submitted were insufficient to raise a substantial question regarding the correctness of OWCP's March 2, 2015 decision.

The Board however finds that appellant's March 2, 2016 request for reconsideration was timely filed. Section 10.607(a) of the implementing regulations provides that an application for reconsideration must be received within one year of the date of OWCP's decision for which review is sought.<sup>3</sup> In this case, the last merit decision was dated March 2, 2015 and appellant's request for reconsideration was received by OWCP on March 2, 2016. Thus, her request was timely received by OWCP.

Because appellant's reconsideration request was timely filed, OWCP should have reviewed her request under the standard for timely reconsideration requests,<sup>4</sup> as opposed to the standard for untimely reconsideration requests.<sup>5</sup> The clear evidence of error standard utilized by OWCP in its April 11, 2016 decision is appropriate only for untimely reconsideration requests. The Board will therefore set aside OWCP's April 11, 2016 decision and remand the case for an appropriate final decision on appellant's timely request for reconsideration.

**IT IS HEREBY ORDERED THAT** the April 11, 2016 decision is set aside and remanded for further action consistent with this order of the Board.

Issued: December 20, 2016  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> 20 C.F.R. § 10.607(a). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (February 2016).

<sup>4</sup> *Id.* at § 10.606(b)(3).

<sup>5</sup> Section 10.607(b) states that OWCP will consider an untimely application for reconsideration only if it demonstrates clear evidence of error by OWCP in its most recent merit decision. The reconsideration request must establish that OWCP's decision was, on its face, erroneous. 20 C.F.R. § 10.607(b).