

The Board finds that appellant's 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 decision for which review is sought.² In this case, the last merit decision was dated January 21, 2015 and appellant's request for reconsideration was received by OWCP on January 21, 2016. Thus, her request was timely filed.

Because appellant filed a timely reconsideration request, OWCP should have reviewed her request under the standard for a timely request,³ as opposed to the standard for untimely requests.⁴ The clear evidence of error standard utilized by OWCP in its June 15, 2016 decision is appropriate only for untimely reconsideration requests. The Board will set aside OWCP's June 15, 2016 decision and remand the case for an appropriate final decision on appellant's timely request for reconsideration.

IT IS HEREBY ORDERED THAT the June 15, 2016 decision is set aside and remanded for further action consistent with this order of the Board.

Issued: December 22, 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

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

³ *Id.* at § 10.606(b)(3).

⁴ 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. *Id.* at § 10.607(b).