



June 22, 2016 decision stated: “We have reviewed your letter dated 04/19/2016 requesting reconsideration of our decision dated 05/15/2015. Please refer to the information which accompanied the original decision. To require the Office to reopen your case, you must clearly identify the grounds upon which reconsideration is being requested. Also, you must either submit relevant evidence not previously considered or present legal contentions not previously considered. Because your letter neither raised substantive legal questions nor included new and relevant evidence, it is insufficient to warrant a review of our prior decision at this time. Any future request for reconsideration must be made within one year from the prior decision and must be accompanied by statements or evidence as described above.”

In its decision of June 22, 2016, OWCP failed to reference or review the new medical evidence which had been submitted by appellant. It failed to conform to its established procedure, provisions of FECA and its implementing regulations, and Board precedent, all of which require that a final adverse decision of OWCP contain findings of fact and a clear explanation of the deficiencies of the claim.<sup>4</sup> Because OWCP’s June 22, 2016 decision does not contain a clear description of the basis for the denial of the claim or the findings of fact reached therein, the Board finds that OWCP has not fulfilled its responsibility under section 8124 of FECA.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers’ Compensation Programs dated June 22, 2016 is set aside and the case remanded for a *de novo* decision with appropriate findings of fact and conclusions of law.

Issued: February 15, 2017  
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>4</sup> *Id.*; see 5 U.S.C. § 8124(a); 20 C.F.R. § 10.126. See also Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1602.7 (October 2011) (regarding the format and contents of a nonmerit reconsideration decision).