



The Board has duly considered the matter and finds that the March 16, 2016 request constituted a timely request for reconsideration. OWCP regulations at 20 C.F.R. § 10.607(a), provide that an “application for reconsideration must be received within one year of the date of OWCP’s decision for which review is sought.” Its procedures establish that a one-year time limit for requesting reconsideration, which begins on the next day after the date of the original contested OWCP decision.<sup>2</sup> In this case, OWCP issued its last merit decision denying appellant’s traumatic injury claim on March 17, 2015. Appellant had one year from the date of this decision to make a timely request for reconsideration. Her request for reconsideration was received by OWCP on March 16, 2016, within the required one-year time period. As appellant’s request for reconsideration was received on March 16, 2016, the Board finds that it was timely filed.

Because appellant filed a timely reconsideration request, OWCP should have reviewed her request under the standard for a timely request.<sup>3</sup> The clear evidence of error standard utilized by OWCP in its June 7, 2016 decision is appropriate only for untimely reconsideration requests.<sup>4</sup> The Board will set aside OWCP’s June 7, 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 7, 2016 decision of the Office of Workers’ Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

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<sup>2</sup> Federal (FECA) Procedure Manual, Part 2 -- Appeals, *Reconsideration*, Chapter 2.1602.4 (February 2016); *see Veletta C. Coleman*, 48 ECAB 367 (1997).

<sup>3</sup> *See* 20 C.F.R. § 10.606(b)(3).

<sup>4</sup> *Id.* at § 10.607(b).

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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