

appellant submitted a request for reconsideration.³ In its August 30, 2016 decision, OWCP denied appellant's reconsideration request because it was untimely filed and failed to demonstrate clear evidence of error. The request for reconsideration was received by OWCP on May 27, 2016, within one year of the May 29, 2015 OWCP merit decision. Appellant also submitted additional factual and medical evidence that day.

Because appellant's May 27, 2016 reconsideration request was timely filed, the case will be remanded to OWCP for application of the standard for reviewing timely requests for reconsideration.⁴ The "clear evidence of error" standard utilized by OWCP in its August 30, 2016 decision is appropriate only for untimely reconsideration requests. After such further development as OWCP deems necessary, it should issue an appropriate decision.

IT IS HEREBY ORDERED THAT the August 30, 2016 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

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

³ The Board notes that the request for reconsideration was scanned into iFECS as "Environ Studies/Maps/Phys Evid."

⁴ See 20 C.F.R. § 10.606(b)(3) (an application for reconsideration must show that OWCP erroneously applied or interpreted a specific point of law, advance a relevant legal argument not previously considered by OWCP, or include the submission of relevant and pertinent new evidence not previously considered by OWCP).