

legal questions nor included new, relevant evidence sufficient to warrant reopening the case for further merit review under section 8128(a) of FECA.¹ As the last merit decision issued in this case was issued on April 30, 2014, appellant's August 10, 2016 request for reconsideration was untimely. OWCP regulations provide that the one-year time limitation period for requesting reconsideration begins on the date of the original OWCP merit decision.² A right to reconsideration within one year also accompanies any subsequent merit decision on the issues.³ OWCP procedures provide that timeliness is determined by the date that the request is received by OWCP (the received date in the Integrated Federal Employees' Compensation System (iFECS)).⁴ If the request for reconsideration has a document received date greater than one year, the request must be considered untimely.⁵ As appellant's request for reconsideration was untimely filed, OWCP erroneously reviewed her request for reconsideration using the standard for timely reconsideration requests.⁶ The Board will, consequently, remand the case for application of the proper standard, to be followed by the issuance of an appropriate decision.

IT IS HEREBY ORDERED THAT the August 25, 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.

¹ 5 U.S.C. § 8128(a).

² 20 C.F.R. § 10.607(a).

³ *Robert F. Stone*, 57 ECAB 292 (2005).

⁴ *Supra* note 2; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(b) (February 2016); *G.F.*, Docket No. 15-1053 (September 11, 2015).

⁵ *R.Y.*, Docket No. 16-1301 (issued December 15, 2016); *T.E.*, Docket No. 16-0574 (issued August 18, 2016).

⁶ *See L.D.*, Docket No. 15-0865 (issued October 6, 2015); *H.L.*, Docket No. 13-2077 (issued March 20, 2014).

Issued: July 21, 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