

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's decision for which review is sought.² In this case, appellant sought review of the February 5, 2015 decision, but her request for reconsideration was not received until November 28, 2016. Thus, her request for reconsideration was received after the one-year time limitation from the date of the decision being appealed.

OWCP will consider an untimely application for reconsideration only if the application demonstrates clear evidence of error on the part of OWCP in its most recent decision. The application must establish, on its face, that such decision was erroneous.³

The Board has duly considered the matter and finds that appellant's request for reconsideration was untimely. Because appellant filed an untimely reconsideration request, the case will be remanded to OWCP for application of the correct standard for reviewing untimely reconsideration requests, the clear evidence of error standard.⁴ The standard utilized by OWCP in its February 23, 2017 decision is appropriate only for timely reconsideration requests.⁵ After such further development as OWCP deems necessary, it should issue an appropriate decision.

IT IS HEREBY ORDERED THAT the February 23, 2017 decision is set aside and the case is remanded for further action consistent with this order.

Issued: September 21, 2017
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

² 20 C.F.R. § 10.607(a).

³ *Id.* at § 10.607. *See also A.B.*, Docket No. 15-0521 (issued June 13, 2016).

⁴ *Id.* at § 10.607(b).

⁵ *Id.* at § 10.606(b).