



merit review of the claim. It found that her request for reconsideration neither raised substantive legal questions nor included new and relevant evidence.

The Board has duly considered the matter and finds that this case is not in posture for decision. Section 8124(a) of the Federal Employees' Compensation Act provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.<sup>1</sup> Its regulations also state that the decision shall contain findings of fact and a statement of reasons.<sup>2</sup> The reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim.<sup>3</sup>

In its September 20, 2016 decision, OWCP did not discharge its responsibility to provide appellant a statement explaining the disposition so that she could understand the basis for the decision as well as the precise defect. The Board notes that OWCP denied appellant's September 12, 2016 request for reconsideration because it failed to raise substantive legal questions or include new and relevant evidence, but OWCP failed to provide any discussion of the evidence she submitted in support of her reconsideration request or to explain how the evidence was insufficient to warrant a merit review of her claim.

Accordingly, the case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding appellant's request for reconsideration of the denial of her claim for a schedule award or why she is not entitled to further reconsideration. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision.

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<sup>1</sup> 5 U.S.C. § 8124(a); *see Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

<sup>2</sup> 20 C.F.R. § 10.126; *see also O.R.*, 59 ECAB 432 (2008); *Teresa A. Ripley*, 56 ECAB 528 (2005); *M.L.*, Docket No. 09-0956 (issued April 15, 2010).

<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5(c) (February 2013). *See also* Federal (FECA) Procedure Manual, *id.* at *Reconsiderations*, Chapter 2.1600.7(b) (October 2011) (if the evidence submitted is not sufficient to require a merit review, OWCP should issue a decision which discusses the evidence submitted, or lack thereof, and explicitly state the basis for the finding of insufficiency).

**IT IS HEREBY ORDERED THAT** the September 20, 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.<sup>4</sup>

Issued: January 23, 2018  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

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

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<sup>4</sup> Colleen Duffy Kiko, Judge, participated in the preparation of this order, but was no longer a member of the Board effective December 11, 2017.