



reconsideration. By decision dated August 25, 2017, OWCP denied modification of its June 21, 2016 decision.

On April 2, 2018 appellant, through counsel, requested reconsideration. In support thereof, counsel submitted new evidence and made several new arguments regarding the employing establishment premises, the availability of parking to employees and the general public, the maintenance and control of the parking lot, and the need to traverse between the lot and the employing establishment's premises. The evidence included an overhead map of the area surrounding the employing establishment premises, and signs related to parking at the employing establishment.

By decision dated June 21, 2018, OWCP denied appellant's request for reconsideration of the merits of her claim pursuant to 5 U.S.C. § 8128(a). It found that her request "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 a decision. Section 8124(a) of the Federal Employees' Compensation Act<sup>2</sup> provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.<sup>3</sup> Its regulations also provide that the decision shall contain findings of fact and a statement of reasons.<sup>4</sup> The reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim.<sup>5</sup>

OWCP, in its June 21, 2018 decision, did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition, so that appellant could understand the basis for the decision, *i.e.*, why she was not entitled to a merit review of its prior decision despite the submission of additional evidence with her request. It 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 and the evidence required to establish the claim for a traumatic injury. A plain reading of OWCP's decision does not make clear whether it had received additional evidence from appellant which it found not relevant or pertinent, or whether it had not received the additional evidence. If it found the new evidence not relevant or pertinent it did not provide a basis for its finding.

The Board therefore finds that the case must be remanded for a proper decision which includes findings of fact and a clear and precise statement regarding appellant's request for reconsideration on the denial of her claim. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision. Accordingly,

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<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> 5 U.S.C. § 8124(a); *see Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

<sup>4</sup> 20 C.F.R. § 10.126. *See M.G.*, Docket No. 18-0699 (issued March 22, 2019); *see also M.L.*, Docket No. 09-0956 (issued April 15, 2010); *O.R.*, 59 ECAB 432 (2008); *Teresa A. Ripley*, 56 ECAB 528 (2005).

<sup>5</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5(c) (February 2013).

**IT IS HEREBY ORDERED THAT** the June 21, 2018 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: September 4, 2019  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board