

By decision dated October 9, 2019, OWCP accepted the employment factors implicated by appellant, including operating a forklift and handling heavy packages. However, it denied his occupational disease claim, finding that he did not submit sufficient medical evidence to establish a diagnosed medical condition causally related to the accepted employment factors. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

On October 7, 2020 appellant requested reconsideration of the October 9, 2019 decision. In support of his reconsideration request, he submitted reports dated November 12, 2019 through October 20, 2020 from Dr. Hunt-Okolo. Appellant also submitted physical therapy reports dated between October 7, 2019 and December 22, 2020, as well as chiropractic reports dated between August 7, 2019 and April 14, 2020.

By decision dated January 4, 2021, OWCP denied modification of its October 9, 2019 decision.

On February 1, 2022 appellant requested reconsideration of the January 4, 2021 decision. In support of his reconsideration request, he submitted reports dated November 19 and December 15, 2020, and January 19 and March 2, 2021 from Dr. Hunt-Okolo, and reports dated June 1 and July 6, 2021 from Dr. Marcia Bradford-Love, a Board-certified internist. Both Dr. Hunt-Okolo and Dr. Bradford-Love provided narrative reports opining that appellant sustained multiple diagnosed lumbar conditions due to his work duties. Appellant also submitted reports dated November 8 and December 6, 2021, and January 20, 2022 from Dr. Charles J. Manfreda, an osteopath and Board-certified family practice specialist, as well as an August 24, 2021 MRI scan of the lumbar spine and physical therapy reports dated between January 29 and August 11, 2021. Dr. Manfreda's narrative reports provide his opinion that appellant sustained multiple diagnosed lumbar conditions due to his work duties.

By decision dated February 4, 2022, OWCP denied appellant's request for reconsideration as it was untimely filed and failed to demonstrate clear evidence of error. It noted, "You did not present clear evidence of error. Therefore, your request for reconsideration is denied because it was not received within the one-year limit."

The Board finds that this case is not in posture for decision.

In its February 4, 2022 decision, OWCP failed to provide adequate facts and findings to support its denial of appellant's request for reconsideration for being untimely filed and failing to demonstrate clear evidence of error. It did not discuss any of the health care provider reports submitted by appellant on reconsideration, or explain why they did not demonstrate clear evidence of error by OWCP in its January 4, 2021 decision.¹

¹ To demonstrate clear evidence of error, a claimant must submit evidence relevant to the issue which was decided by OWCP and the evidence must manifest on its face that OWCP committed an error. Evidence that does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error. *See J.D.*, Docket No. 19-1836 (issued April 6, 2020); *A.A.*, Docket No. 19-1219 (issued December 10, 2019); *S.W.*, Docket No. 18-0126 (issued May 14, 2019).

In deciding matters pertaining to a given claimant's entitlement to compensation benefits, OWCP is required by statute and regulation to make findings of fact.² The Federal (FECA) Procedure Manual further specifies that a final decision of OWCP "should be clear and detailed so that the reader understands the reason for the disallowance of the benefit and the evidence necessary to overcome the defect of the claim."³ These requirements are supported by Board precedent.⁴

Given the inadequacy of OWCP's presentation of the facts and findings in the present case, appellant would not be able to understand the reason for the disallowance of his claim and the evidence necessary to overcome the defect of his claim. Therefore, the case shall be remanded to OWCP for further evaluation and an appropriate decision, which contains adequate facts and findings regarding appellant's request for reconsideration.

IT IS HEREBY ORDERED THAT the February 4, 2022 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: November 22, 2022
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

² 5 U.S.C. § 8124(a) provides that OWCP "shall determine and make a finding of facts and make an award for or against payment of compensation." 20 C.F.R. § 10.126 provides in pertinent part that the final decision of OWCP "shall contain findings of fact and a statement of reasons."

³ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5c(3)(e) (February 2013).

⁴ See *P.G.*, Docket No. 17-1461 (issued February 7, 2019); *James D. Boller, Jr.*, 12 ECAB 45, 46 (1960).