

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

By decision dated May 6, 2021, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish that the diagnosed medical conditions were caused or aggravated by the accepted February 24, 2021 employment incident.

On May 6, 2022 appellant, through counsel, requested reconsideration and submitted additional medical evidence.

By decision dated July 29, 2022, OWCP denied modification of the May 6, 2021 decision.

On July 29, 2023, appellant, through counsel, requested reconsideration. By decision dated August 1, 2023, OWCP denied modification of the July 29, 2022 decision.

On August 1, 2024, appellant, through counsel, requested reconsideration. By decision dated August 7, 2024, OWCP denied appellant's August 1, 2024 request for reconsideration, finding that it was untimely filed, and failed to demonstrate clear evidence of error.

The Board, having duly considered this matter, finds that this case is not in posture for decision.

Section 10.607(a) of OWCP's implementing regulations provides that a request for reconsideration must be received by OWCP within one year of the date of the decision for which review is sought.² One year following OWCP's August 1, 2023 merit decision was August 1, 2024. Because OWCP received his reconsideration request on August 1, 2024, the Board finds that it was timely filed.³ The clear evidence of error standard utilized by OWCP in its August 7, 2024 decision is appropriate only for untimely reconsideration requests.⁴ Therefore, the Board shall set aside OWCP's August 7, 2024 decision and remand the case for an appropriate decision applying the correct standard for timely requests for reconsideration. Accordingly,

² 20 C.F.R. § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. For merit decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of OWCP's decision for which review is sought. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4a (September 2020).

³ See *Order Remanding Case, T.B.*, Docket No. 23-0784 (issued November 2, 2023); *Order Remanding Case, S.J.*, Docket No. 23-0179 (issued May 23, 2023); *Order Remanding Case, B.W.*, Docket No. 20-1512 (issued August 24, 2021).

⁴ See 20 C.F.R. § 10.607(b); see also *id.*

IT IS HEREBY ORDERED THAT the August 7, 2024 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: February 26, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board