

² Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). The Board, in exercising its discretion, denies appellant's request for oral argument because the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

ISSUE

The issue is whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

FACTUAL HISTORY

On September 6, 2023, appellant, then a 40-year-old clerk, filed an occupational disease claim (Form CA-2) alleging that she sustained an emotional/stress-related condition due to factors of her federal employment, including sexual harassment by her supervisor. She noted that she first became aware of her condition on July 15, 2023, and realized its relationship to her federal employment on July 27, 2023.

By decision dated August 21, 2024, OWCP denied appellant's claim for a work-related emotional/stress-related condition, finding that the evidence of record was insufficient to establish that the alleged employment factors occurred as described. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.³

On December 2, 2025, appellant requested reconsideration of the August 21, 2024 decision. She submitted receipts documenting that she received therapy on October 11, 16, 23, and 30, and November 6, 2023, and had a zero balance.

By decision dated December 4, 2025, OWCP denied appellant's reconsideration request, finding that it was untimely filed and failed to demonstrate clear evidence of error.

LEGAL PRECEDENT

Pursuant to section 8128(a) of FECA, OWCP has the discretion to reopen a case for further merit review.⁴ This discretionary authority, however, is subject to certain restrictions. For instance, a request for reconsideration must be received within one year of the date of OWCP's decision for which review is sought.⁵ Timeliness is determined by the document receipt date *i.e.*, the "received date" in OWCP's Integrated Federal Employees' Compensation

³ On September 21, 2024 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. Appellant resubmitted a narrative statement further describing her alleged harassment as previously of record. By decision dated September 26, 2024, OWCP denied appellant's request for an oral hearing, finding that the request was not made within 30 days of the August 21, 2024 decision and, therefore, was untimely filed pursuant to 5 U.S.C. § 8124(b). Additionally, it exercised its discretion and concluded that the issue in the case could equally well be addressed by requesting reconsideration before OWCP and submitting new evidence.

⁴ 5 U.S.C. § 8128(a); *L.W.*, Docket No. 18-1475 (issued February 7, 2019); *Y.S.*, Docket No. 08-0440 (issued March 16, 2009).

⁵ 20 C.F.R. § 10.607(a).

System (iFECS).⁶ Imposition of this one-year filing limitation does not constitute an abuse of discretion.⁷

When a request for reconsideration is untimely, OWCP undertakes a limited review to determine whether the request demonstrates clear evidence that OWCP's most recent merit decision was in error.⁸ Its procedures provide that it will reopen a claimant's case for merit review, notwithstanding the one-year filing limitation set forth in 20 C.F.R. § 10.607, if the claimant's request for reconsideration demonstrates "clear evidence of error" on the part of OWCP.⁹ In this regard, OWCP will limit its focus to a review of how the newly submitted evidence bears on the prior evidence of record.¹⁰

To demonstrate clear evidence of error, a claimant must submit evidence relevant to the issue which was decided by OWCP.¹¹ The evidence must be positive, precise, and explicit and must manifest on its face that OWCP committed an error. Evidence which does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error. It is not enough merely to show that the evidence could be construed so as to produce a contrary conclusion. This entails a limited review by OWCP of how the evidence submitted with the reconsideration request bears on the evidence previously of record and whether the new evidence demonstrates clear error on the part of OWCP.¹²

OWCP's procedures note that the term clear evidence of error is intended to represent a difficult standard.¹³ Evidence such as a detailed, well-rationalized medical report which, if submitted before the denial was issued, would have created a conflict in medical opinion requiring further development, is not clear evidence of error.¹⁴ The Board makes an independent

⁶ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020).

⁷ *W.B.*, Docket No. 23-0473 (issued August 29, 2023); *G.G.*, Docket No. 18-1072 (issued January 7, 2019); *Leon D. Faidley, Jr.*, 41 ECAB 104 (1989).

⁸ *See* 20 C.F.R. § 10.607(b); *R.C.*, Docket No. 21-0617 (issued August 25, 2023); *M.H.*, Docket No. 18-0623 (issued October 4, 2018); *Charles J. Prudencio*, 41 ECAB 499 (1990).

⁹ *L.C.*, Docket No. 18-1407 (issued February 14, 2019); *M.L.*, Docket No. 09-0956 (issued April 15, 2010). *See also id.* at § 10.607(b); *supra* note 6 at Chapter 2.1602.5 (September 2020).

¹⁰ *S.D.*, Docket No. 23-0626 (issued August 24, 2023); *J.M.*, Docket No. 19-1842 (issued April 23, 2020); *Robert G. Burns*, 57 ECAB 657 (2006).

¹¹ *J.M.*, Docket No. 22-0630 (issued February 10, 2023); *S.C.*, Docket No. 18-0126 (issued May 14, 2016); *supra* note 6 at Chapter 2.1602.5a (September 2020).

¹² *L.J.*, Docket No. 23-0282 (issued May 26, 2023); *C.M.*, Docket No. 19-1211 (issued August 5, 2020); *J.M.*, *supra* note 10; *Robert G. Burns*, *supra* note 10.

¹³ *See G.G.*, *supra* note 7; *see also* 20 C.F.R. § 10.607(b); *supra* note 6 at Chapter 2.1602.5 (September 2020).

¹⁴ *J.S.*, Docket No. 16-1240 (issued December 1, 2016); *id.* at Chapter 2.1602.5a (September 2020).

determination of whether a claimant has demonstrated clear evidence of error on the part of OWCP.¹⁵

The Board makes an independent determination of whether a claimant has demonstrated clear evidence of error on the part of OWCP.¹⁶

ANALYSIS

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

The last merit decision was issued on August 21, 2024. As appellant's request for reconsideration was not received by OWCP until December 2, 2025, more than one year after the August 21, 2024 decision, pursuant to 20 C.F.R. § 10.607(a), the request for reconsideration was untimely filed. Consequently, appellant must demonstrate clear evidence of error by OWCP in denying the claim.¹⁷

In support of her reconsideration request, appellant submitted receipts documenting that she received therapy on intermittent dates from October 11 through November 6, 2023. However, as explained above, evidence which does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error. It is not enough merely to show that the evidence could be construed so as to produce a contrary conclusion.¹⁸ This evidence, therefore, does not establish on its face that OWCP committed an error in its August 21, 2024 decision.¹⁹ Accordingly, OWCP properly denied appellant's reconsideration request, finding that it was untimely filed and failed to demonstrate clear evidence of error.²⁰

CONCLUSION

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

¹⁵ *G.B.*, Docket No. 19-1762 (issued March 10, 2020); *D.S.*, Docket No. 17-0407 (issued May 24, 2017); *George C. Vernon*, 54 ECAB 319 (2003).

¹⁶ *D.S.*, Docket No. 17-0407 (issued May 24, 2017).

¹⁷ 20 C.F.R. § 10.607(b); *Z.M.*, Docket No. 24-0547 (issued July 8, 2024); *S.C.*, Docket No. 20-1537 (issued April 14, 2021); *R.T.*, Docket No. 19-0604 (issued September 13, 2019); see *Debra McDavid*, 57 ECAB 149 (2005).

¹⁸ *A.M.*, Docket No. 24-0547 (issued July 8, 2024); *U.C.*, Docket No. 19-1753 (issued June 10, 2020).

¹⁹ *M.S.*, Docket No. 25-0417 (issued June 18, 2025); *S.C.*, Docket No. 19-1424 (issued September 15, 2020).

²⁰ *Z.M.*, *supra* note 17; *J.B.*, Docket No. 20-0630 (issued April 21, 2021).

ORDER

IT IS HEREBY ORDERED THAT the December 4, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 16, 2026
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