

TIP OF THE WEEK - July 8, 2013

- Can an accepted FECA claim be rescinded? If so, who has the authority to rescind a case?



ANSWER:

- Yes an accepted claim can be rescinded? OWCP has the authority to reopen a claim *anytime* on its own motion, and set aside or modify a prior decision and issue a new decision.
- OWCP must establish that its prior acceptance was erroneous based on a new or different evidence or through new legal argument and/or rationale.

REFERENCE: 5 USC, Section 8128:

<http://www.dol.gov/owcp/dfec/regs/statutes/feca.htm#8128>

2-804-17 (k) FECA Procedures Manual

<http://www.dol.gov/owcp/dfec/regs/compliance/DFECfolio/FECA-PT2/group1.htm#2080417>



*If you have a question or topic for Tip of the Week, contact your
District 6 Liaison, Jacksonville, FL*