



reconsideration request was sent has two postmark dates stamped on the envelope: December 23, 2009 and January 5, 2010. On March 2, 2010 the Office denied appellant's reconsideration request, finding that it was postmarked January 5, 2010 and therefore filed after the expiration of the one-year limit. Under the Office's regulations and procedures, the timeliness of a request for reconsideration is determined on the basis of the postmark of the envelope containing the request.<sup>3</sup> The Office did not explain why it chose the later January 5, 2010 postmark date as the appropriate date instead of the earlier December 23, 2009 postmark date. The Board finds that, since the envelope containing the reconsideration request bears a postmark within one year of December 30, 2008, appellant's reconsideration request was timely filed. The case must be remanded for the Office to consider appellant's request for reconsideration under the standard for reviewing timely requests for reconsideration.<sup>4</sup> After such further development as the Office deems necessary, it should issue an appropriate decision on appellant's timely request for reconsideration.

**IT IS HEREBY ORDERED THAT** the March 2, 2010 decision of the Office of Workers' Compensation Programs be set aside and the case remanded for further action consistent with this order of the Board.

Issued: May 12, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> 20 C.F.R. § 10.607(a). See *Karen J. Mueller*, 45 ECAB 704 (1994); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.3(b) (September 2010).

<sup>4</sup> See 20 C.F.R. § 10.606(b)(2).