

January 16, 2011. By decision dated February 16, 2011, the Office denied appellant's hearing request as untimely filed. The Board has held that, in computing a time period, the date of the event from which the designated period of time begins to run shall not be included while the last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday.³ The 30-day time period for determining the timeliness of appellant's hearing request began on December 17, 2010 and ended on January 15, 2011, a Saturday. The first regular business day after January 15, 2011 was Tuesday January 18, 2011.⁴ As appellant's hearing request was postmarked January 16, 2011, his hearing request was timely.

Inasmuch as appellant's hearing request was timely filed, the Board will set aside the February 16, 2011 decision and remand the case for the Office to schedule an oral hearing.⁵

IT IS HEREBY ORDERED THAT the February 16, 2011 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: August 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

³ *John B. Montoya*, 43 ECAB 1148 (1992); *see Donna A. Christley*, 41 ECAB 90 (1989).

⁴ Monday, January 17, 2011, was a federal holiday.

⁵ In view of the Board's decision regarding the timeliness of appellant's request for a hearing before the Office, it is not necessary to consider appellant's request for an oral argument before the Board.