

business was received by that individual. This presumption arises when it appears from the record that the notice was properly addressed and duly mailed.³ However, as a rebuttable presumption, receipt will not be assumed when there is evidence of nondelivery.⁴ Also, it is axiomatic that the presumption of receipt does not apply where a notice is sent to an incorrect address.⁵ OWCP mailed the January 26, 2012 decision to an incorrect address in Saint Cloud, MN and not to appellant's correct home address in St. Joseph, MN. The decision was also returned to OWCP by the postal service as undeliverable. Thus, the Board finds that OWCP did not properly issue its January 26, 2012 decision.⁶ For this reason, the case will be remanded to OWCP for proper issuance of *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the August 3, 2012 nonmerit decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further action consistent with this order of the Board.

Issued: April 12, 2013
Washington, DC

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

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

³ See *Michelle Lagana*, 52 ECAB 187 (2000).

⁴ See *C.O.*, Docket No. 10-1796 (issued March 23, 2011); *M.U.*, Docket No. 09-526 (issued September 14, 2009).

⁵ See *Clara T. Norga*, 46 ECAB 473 (1995); *W.A.*, Docket No. 06-1452 (issued November 27, 2006).

⁶ See *Tammy J. Kenow*, 44 ECAB 619 (1993).