

PART III
PROCEDURAL ISSUES

K. TIMELINESS OF HEARING REQUEST

In *W.L. v. Director, OWCP*, BRB No. 08-0122 BLA (Sept. 30, 2008), the Board held that the administrative law judge erred in concluding that she lacked jurisdiction to hear this case on the ground that claimant did not timely request a hearing. Under 20 C.F.R. §725.419, within thirty days after the date of issuance of a proposed decision and order, any party may, in writing, request a revision of the proposed decision and order or a hearing. Although 20 C.F.R. §725.419 does not specifically define the “date of issuance,” the Board deferred to the Director’s reasonable interpretation of 20 C.F.R. §725.419 as requiring service of a proposed decision and order on all parties to the claim in order to commence the running of the 30-day appeal period. Because the Proof of Service did not accurately reflect when the proposed decision and order was mailed to claimant, the Board agreed with the Director that the administrative law judge erred in determining the date of issuance of the proposed decision and order and, therefore, the date from which the 30-day appeal period ran. Thus, the Board held that the administrative law judge erred in finding that claimant’s hearing request was not timely filed. *W.L. v. Director, OWCP*, 24 BLR 1-99 (2008).