



submitted by mail, the application will be deemed timely if postmarked by the U.S. Postal Service within the time period allowed.”<sup>2</sup> Appellant’s request for reconsideration was postmarked on the 365th day, *i.e.*, July 20, 2010. The Board finds that this is a timely request for reconsideration of OWCP’s July 21, 2009 merit decision.

On remand, OWCP should weigh the evidence submitted with appellant’s request for reconsideration in accordance with the standards for a timely request for reconsideration and issue an appropriate decision.

**IT IS HEREBY ORDERED THAT** the Office of Workers’ Compensation Programs’ decision dated July 27, 2010 is set aside and remanded for further development consistent with this order of the Board.

Issued: September 28, 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>2</sup> 20 C.F.R. § 10.607(a).