

time it issued the final decision in the case and that the rationale for this rule should be clearly set forth by the Board.

The Board notes that this is appellant's second appeal. In Docket No. 09-1193, issued May 6, 2010, the Board found that appellant did not sustain a fungus condition in the performance of duty as he failed to submit sufficient rationalized medical evidence establishing that his condition was causally related to his accepted employment-related exposure to bird droppings.

The Board has duly considered the matter and finds that appellant's request for oral argument should be granted. Pursuant to 20 C.F.R. § 501.5(a), oral argument may be held in the discretion of the Board.² In the present appeal, appellant's request was timely filed and a need for oral argument was advanced. The Board has jurisdiction over the merits of appellant's claim. The Board, in its discretion, grants oral argument.

IT IS HEREBY ORDERED THAT appellant's request for oral argument in Docket Nos. 11-1348 and 11-1362 be granted.

Issued: September 13, 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

² 20 C.F.R. § 501.5(a).