

³ 20 C.F.R. § 10.432.

further provide that failure to request a prerecoupment hearing within 30 days shall constitute a waiver of that right.⁴

OWCP issued a preliminary determination of overpayment on September 26, 2013 and provided appellant 30 days to request a prerecoupment hearing. In a letter postmarked October 26, 2013 and mailed to OWCP's Branch of Hearings and Review, appellant timely requested a prerecoupment hearing before an OWCP hearing representative.

Appellant was thus entitled to a prerecoupment hearing as a matter of right. OWCP proceeded to a final decision on November 26, 2013, however, without providing a hearing.

As OWCP has denied appellant due process, the Board will set aside the November 26, 2013 final decision and remand the case for further action, including a prerecoupment hearing and appropriate final decision.

IT IS HEREBY ORDERED THAT the November 26, 2013 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action.

Issued: June 12, 2014
Washington, DC

Patricia Howard Fitzgerald, Acting Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

⁴ *Id.*