

injury. In an appeal request form dated July 5, 2013 and received by OWCP on July 15, 2013, appellant requested reconsideration. In a decision dated October 3, 2013, it denied his request for reconsideration on the grounds that it was untimely filed.

The Board has considered the matter and finds that the request for reconsideration received on July 15, 2013 constituted a timely request for reconsideration. Section 10.607(a) of the implementing regulations provide that an application for reconsideration must be received within one year of the date of OWCP's decision for which review is sought.¹ The Board has held that, in computing a time period, the date of the event from which the designated period of time begins to run shall not be included while the last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday.² The last merit decision in this case is dated July 13, 2012 and appellant's request for reconsideration was received by OWCP on July 15, 2013. Appellant had one year from the July 13, 2012 decision to request reconsideration. The Board notes, however, that July 13, 2013 fell on a Saturday. It is well established that when a time limitation expires on a nonbusiness day, the limitation is extended to include the next business day.³ Therefore, because the time limitation for filing a request for reconsideration fell on Saturday, the time period for filing a request for reconsideration did not expire until the next business day, which was Monday, July 15, 2013.

The Board concludes that appellant's request for reconsideration was received by the close of business on July 15 2013, rendering it timely filed. The case will be remanded to OWCP for consideration of appellant's request under the standard for reviewing a timely request for reconsideration.⁴

¹ 20 C.F.R. § 10.607(a).

² *John B. Montoya*, 43 ECAB 1148, 1151 (1992); *see Donna A. Christley*, 41 ECAB 90, 91 (1989).

³ *See M.H.*, Docket No. 13-1901 (issued January 8, 2014); *Debra McDavid*, 57 ECAB 149, 150 (2005); *Angel M. Lebron, Jr.*, 51 ECAB 488, 490 (2000); *Gary J. Martinez*, 41 ECAB 427, 427-28 (1990); FECA Program No. 250 (issued January 29, 1979).

⁴ The standard is found at 20 C.F.R. § 10.606(b)(3).

IT IS HEREBY ORDERED THAT the October 3, 2013 decision of the Office of Workers' Compensation Programs is set aside. The case is remanded to OWCP for application of the proper standard for reviewing a timely request for reconsideration.

Issued: May 12, 2014
Washington, DC

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

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

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