

**United States Department of Labor  
Employees' Compensation Appeals Board**

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A.D., Appellant )

and )

DEPARTMENT OF VETERANS AFFAIRS, )  
MEDICAL CENTER, Fayetteville, NC, Employer )

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**Docket No. 14-0253  
Issued: June 26, 2015**

*Appearances:*  
*Ditty S. Bhatti, Esq.*, for the appellant  
*Office of Solicitor*, for the Director

*Case Submitted on the Record*

**ORDER**

Before:

COLLEEN DUFFY KIKO, Judge  
ALEC J. KOROMILAS, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

The Board issued a decision and order in the above-entitled matter on May 5, 2015. By that decision, the Board affirmed a May 16, 2013 decision of the Office of Workers' Compensation Programs (OWCP), finding that OWCP made a proper finding regarding appellant's wage-earning capacity. However, the Clerk of the Board inadvertently misaddressed the May 5, 2015 decision, and mailed it to an incorrect address.

In *Bertha Keeble*,<sup>1</sup> the Board, citing to *Ralph W. Moody*,<sup>2</sup> noted that a decision of the Board is issued when it is filed and mailed, and that the presumption will be that this was accomplished on the date the decision is dated.<sup>3</sup> The Board found in *Keeble* that, as the decision was mailed to an incorrect address, such decision was not issued. Consequently, the Board ordered that the decision be reissued.

Similarly, in the instant case, the Board inadvertently addressed and mailed the May 5, 2015 decision to an incorrect address. As in *Keeble*, since the Board mailed the

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<sup>1</sup> 45 ECAB 355 (1994).

<sup>2</sup> 44 ECAB 375 (1993).

<sup>3</sup> See *supra* note 1 at 356. See also *S.B.*, Docket No. 14-749 (issued September 12, 2014).

May 5, 2015 decision to an incorrect address, the Board concludes that such decision was not properly issued and must be reissued.

**IT IS HEREBY ORDERED** that the Board's May 5, 2015 decision is reissued.

Issued: June 26, 2015  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board