

It found that the receipt date of December 7, 2015 was more than one year after the December 5, 2014 decision.

The Board finds that appellant's reconsideration request was timely. Section 10.607(a) of the implementing regulations provides that an application for reconsideration must be received within one year of the date of OWCP decision for which review is sought.² Under OWCP procedures, the date of receipt is the received date in iFECS.³

In this case, the last OWCP merit decision was dated December 5, 2014, and one year (365 days) after this decision was December 5, 2015. It is well established, however, that in computing the time for requesting reconsideration, if the last day of the period is a Saturday, Sunday, or a legal holiday, then a claimant has until the next business day to submit a timely reconsideration request.⁴ As December 5, 2015 was a Saturday, appellant had until Monday, December 7, 2015 to request reconsideration. Thus, her reconsideration request was timely received by OWCP.

Because appellant filed a timely reconsideration request, OWCP should have reviewed her request under the standard for a timely request.⁵ The clear evidence of error standard utilized by OWCP in its December 29, 2015 decision is appropriate only for untimely reconsideration requests.⁶ The Board will set aside OWCP's December 29, 2015 decision and remand the case for an appropriate final decision on appellant's timely request for reconsideration.

² 20 C.F.R. § 10.607.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(b) (October 2011).

⁴ *S.Y.*, Docket No. 15-1510 (issued November 16, 2015); *Debra McDavid*, 57 ECAB 149 (2005).

⁵ *See* 20 C.F.R. § 10.606(b)(3).

⁶ *Id.* at § 10.607(b).

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 29, 2015 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: April 11, 2016
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board