

decision was never resent or reissued in a timely manner.² As the September 25, 2015 decision was never received, appellant could not have timely requested an appeal before the Board.³ For these reasons, the case will be remanded to OWCP for proper issuance of a *de novo* decision.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the September 25, 2015 decision of the Office of Workers' Compensation Programs is set aside and the case record is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: December 20, 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

² *E.C.*, Docket No. 11-1774 (issued February 27, 2012). Under the mailbox rule, it is presumed, in the absence of evidence to the contrary, that a notice mailed to an individual in the ordinary course of business was received by that individual. This presumption arises when it appears from the record that the notice was properly addressed and duly mailed. However, as a rebuttable presumption, receipt will not be assumed when there is evidence of nondelivery.

³ For decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision. 20 C.F.R. § 501.3(e).

⁴ *M.C.*, Docket No. 12-1778 (issued April 12, 2013); *J.M.*, Docket No. 12-543 (issued March 12, 2013).