

for which review is sought.² In this case, the last merit decision was dated February 20, 2015 and appellant's request for reconsideration was received by OWCP on Monday, February 22, 2016. In computing the time for requesting reconsideration, the last day of the period shall be included unless it is a Saturday, a Sunday, or a legal holiday.³ As February 20, 2016 was a Saturday, appellant had until Monday, February 22, 2016 to request reconsideration. Thus, her 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,⁴ as opposed to the standard for untimely requests.⁵ The clear evidence of error standard utilized by OWCP in its May 19, 2016 decision is appropriate only for untimely reconsideration requests. The Board will set aside OWCP's May 19, 2016 decision and remand the case for an appropriate final decision on appellant's timely request for reconsideration.

IT IS HEREBY ORDERED THAT the May 19, 2016 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

Issued: December 22, 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 20 C.F.R. § 10.607(a). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (February 2016).

³ *Debra McDavid*, 57 ECAB 149 (2005).

⁴ 20 C.F.R. § 10.606(b)(3).

⁵ Section 10.607(b) states that OWCP will consider an untimely application for reconsideration only if it demonstrates clear evidence of error by OWCP in its most recent merit decision. The reconsideration request must establish that OWCP's decision was, on its face, erroneous. *Id.* at § 10.607(b).