



Following the January 14, 2016 OWCP decision that initially denied appellant's claim, appellant requested an oral hearing, in the form of a telephone hearing, on February 16, 2016. The envelope containing the hearing request was postmarked on February 16, 2016. By decision dated March 23, 2016, OWCP denied appellant's hearing request as untimely filed. 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 federal holiday.<sup>4</sup> The 30-day time period for determining the timeliness of appellant's hearing request began on January 15, 2016 and ended on February 13, 2016, a Saturday. The first regular business day after February 13, 2016 was Tuesday, February 16, 2016.<sup>5</sup> As appellant's hearing request was postmarked on February 16, 2016, her request for a hearing was timely.

Inasmuch as appellant's hearing request was timely filed, the Board will set aside the March 23, 2016 decision and remand the case for OWCP to schedule an oral hearing.

**IT IS HEREBY ORDERED THAT** the March 23, 2016 decision of the Office of Workers' Compensation Programs be set aside and the case remanded for further action consistent with this order of the Board.

Issued: May 4, 2017  
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

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<sup>4</sup> *John B. Montoya*, 43 ECAB 1148 (1992); see *Donna A. Christley*, 41 ECAB 90 (1989).

<sup>5</sup> Monday, February 15, 2016 was a federal holiday.