

Following OWCP's December 28, 2010 decision, appellant requested an oral hearing in a form sent by facsimile on January 26, 2011. She had 30 calendar days from OWCP's December 28, 2010 decision or until January 27, 2011 to request an oral hearing. As appellant sought a hearing in a form sent January 26, 2011, her request was timely and she was entitled to a hearing as a matter of right.

As appellant's hearing request was timely filed, the Board will set aside the February 24, 2011 decision and remand the case for OWCP to schedule an oral hearing.³

IT IS HEREBY ORDERED THAT the February 24, 2011 and December 28, 2010 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: February 15, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

³ In view of the Board's decision regarding the timeliness of appellant's request for a hearing before OWCP, it is premature to address the issue of whether she sustained an occupational disease due to exposure to mold.