

**United States Department of Labor
Employees' Compensation Appeals Board**

J.W., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Douglas, GA, Employer**

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**Docket No. 14-1947
Issued: February 11, 2016**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER

Before:
CHRISTOPHER J. GODFREY, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JAMES A. HAYNES, Alternate Judge

On January 7, 2015 the Board issued a decision in the above-entitled matter, which set aside the August 28, 2014 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Board remanded the case for further consideration of appellant's claim for an additional schedule award. Appellant, however, did not timely receive a copy of the January 7, 2015 decision because the Clerk of the Board inadvertently mailed the decision to an incorrect address.

Pursuant to 20 C.F.R. § 501.6(f), the Board "will send its decisions and orders to the [a]ppellant ... at the time of issuance." In *Bertha Keeble*, the Board noted that a decision is issued when it is filed and mailed, and it is presumed that this was accomplished on the issue date appearing on the decision.¹ In *Keeble*, the decision was mailed to an incorrect address, and therefore, the Board found that it had not properly issued the decision. Consequently, the Board ordered that the decision be correctly issued. In the current case, the Board mailed its January 7, 2015 decision to an incorrect address, and thus, the decision was not issued in accordance with 20 C.F.R. § 501.6(f). As such, the decision in the above-entitled case shall be reissued effective this date.

¹ 45 ECAB 355, 356 (1994) (citing *Ralph W. Moody*, 44 ECAB 375 (1993)).

While a case is on appeal to the Board, OWCP has no jurisdiction over the claim with respect to issues which directly relate to the issue or issues on appeal.² Although appellant did not timely receive a copy of the Board's January 7, 2015 decision, OWCP was aware of the decision, and has since issued three decisions regarding appellant's entitlement to an additional schedule award. Because appellant was not properly served, the Board effectively did not relinquish jurisdiction over the schedule award claim. Consequently, OWCP's decisions dated March 17, 18, and May 15, 2015 are set aside as null and void.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of issuance...."³

IT IS HEREBY ORDERED THAT the Board's January 7, 2015 decision is reissued.⁴

Issued: February 11, 2016
Washington, DC

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

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

² 20 C.F.R. § 10.626 (2014); *see, e.g., Lawrence Sherman*, 55 ECAB 359, 360 n.4 (2004).

³ *Id.* at § 501.6(d).

⁴ James A. Haynes, Alternate Judge, participated in the original decision but was no longer a member of the Board effective November 16, 2015 and did not participate in the preparation of this order.