

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

D.C., Appellant	)	
	)	
and	)	<b>Docket No. 21-0469</b>
	)	<b>Issued: July 30, 2021</b>
U.S. POSTAL SERVICE, PEKIN POST	)	
OFFICE, Pekin, IL, Employer	)	
	)	

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Alternate Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On February 4, 2021 appellant filed an appeal from a December 16, 2020 notice of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0469.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</sup> The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal.<sup>2</sup> In the December 16, 2020 notice, OWCP advised appellant that it proposed to modify an August 28, 1997 loss of wage-earning capacity (LWEC) determination. It afforded him 30 days to submit additional evidence if she disagreed with the proposed LWEC modification. As this notice was merely advisory in nature, it does not constitute a final adverse decision issued by OWCP over which the Board may

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>2</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

properly exercise jurisdiction.<sup>3</sup> Therefore, the Board concludes that the appeal docketed as No. 21-0469 must be dismissed. Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-0469 is dismissed.

Issued: July 30, 2021  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> *Id.* at §§ 501.2(c) and 501.3(a).