

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

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**B.P., Appellant**

**and**

**DEPARTMENT OF VETERAN AFFAIRS,  
BIRMINGHAM VA MEDICAL CENTER,  
Birmingham, AL, Employer**

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**Docket No. 21-1013  
Issued: July 26, 2021**

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
JANICE B. ASKIN, Judge  
PATRICIA H. FITZGERALD, Alternate Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 24, 2021 appellant filed an appeal from a November 8, 2019 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1013.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>2</sup>

The 180<sup>th</sup> day following the November 8, 2019 decision was May 6, 2020. As appellant did not file an appeal with the Board until June 24, 2021, more than 180 days after the November 8, 2019 OWCP decision, the Board finds that the appeal docketed as No. 21-1013 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

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<sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>2</sup> *Id.* at § 501.3(e).

explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

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

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-1013 is dismissed.

Issued: July 26, 2021  
Washington, DC

Janice B. Askin, 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 § 501.6(d).