

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

O.S., Appellant	)	
	)	
and	)	<b>Docket Nos. 21-0450 &amp; 18-1744</b>
	)	
<b>DEPARTMENT OF THE AIR FORCE, MacDILL AIR FORCE BASE, FL</b>	)	<b>Issued: June 16, 2021</b>
	)	

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL IN DOCKET NO. 21-0450 AND  
DISMISSING PETITION FOR RECONSIDERATION IN  
DOCKET NO. 18-1744**

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

On February 5, 2021 appellant sought an appeal from a purported March 21, 2019 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-0450.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions 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> The most recent final adverse decision issued by OWCP was dated May 18, 2018. By decision dated March 21, 2019 the Board decision affirmed OWCP's May 18, 2018 decision.<sup>3</sup> As there is no final adverse

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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) (2009).

<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 OWCP."

<sup>3</sup> Docket No. 18-1744 (issued March 21, 2019).

decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-0450 must be dismissed.

To the extent that appellant's February 5, 2021 appeal may be construed as a timely petition for reconsideration of the Board's March 21, 2019 decision in Docket No. 18-1744, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.<sup>4</sup> As appellant did not file his petition for reconsideration of the Board's March 21, 2019 decision until February 5, 2021, this submission may not be deemed as a timely petition for reconsideration.<sup>5</sup> Thus, the petition for reconsideration of the March 21, 2019 Board decision must be dismissed as untimely filed. Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-0450 is dismissed.

**IT IS FURTHER ORDERED THAT** the petition for reconsideration in Docket No. 18-1744 is dismissed as untimely filed.

Issued: June 16, 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>4</sup> 20 C.F.R. § 501.6(d).

<sup>5</sup> *See id.* at § 501.7(a).