

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

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<b>F.I., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 21-0814</b>
	)	<b>Issued: June 16, 2021</b>
<b>DEPARTMENT OF THE ARMY, U.S. ARMY</b>	)	
<b>WATERVLIET ARSENAL, Watervliet, NY,</b>	)	
<b>Employer</b>	)	
_____	)	

*Appearances:*  
*Alan J. Shapiro, Esq., for the appellant<sup>1</sup>*  
*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 May 5, 2021 appellant, through counsel, filed an appeal from a January 31, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0814.

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>2</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review

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<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>2</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>3</sup>

The 180<sup>th</sup> day following the January 31, 2020 decision was July 29, 2020. As appellant did not file an appeal with the Board until May 5, 2021, more than 180 days after the January 31, 2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0814 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to 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>4</sup>

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-0814 is dismissed.

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>3</sup> *Id.* at § 501.3(e).

<sup>4</sup> *Id.* at § 501.6(d). Appellant may file a petition for reconsideration of this order prior to the expiration of the 30 days. *See id.* at 501.7(a).