

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

K.S., Appellant)	
)	
and)	Docket No. 20-1401
)	Issued: March 17, 2021
U.S. POSTAL SERVICE, POST OFFICE,)	
Nyssa, OR, Employer)	
)	

Appearances:
Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On July 21, 2020 appellant, through counsel, filed an appeal from a purported June 10, 2020 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 20-1401.

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.² 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 July 21, 2020 appeal.³ The case record contains correspondence dated June 10, 2020, in which OWCP acknowledged counsel's change

¹ 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.

² 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

³ 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."

of address and forwarded him a copy of the December 11, 2019 decision as requested. However, as the June 10, 2020 letters are purely informational in nature, neither constitutes a final adverse decision of OWCP from which appellant may properly appeal.⁴

As there is no final adverse decision issued within 180 days by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 20-1401 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 20-1401 is dismissed.

Issued: March 17, 2021
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁴ *Id.* at §§ 501.2(c) and 501.3(a); *see also S.U.*, Docket No. 20-0636 (issued December 3, 2020); *L.S.*, Docket No. 06-1199 (issued December 29, 2006).