

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

)	
D.W., Appellant)	
)	Docket No. 21-0337
and)	Issued: May 12, 2021
)	
DEPARTMENT OF THE NAVY, NORFOLK)	
NAVAL SHIPYARD, Portsmouth, VA, Employer)	
)	

Appearances: *Case Submitted on the Record*
Appellant, pro se
Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

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

On January 12, 2021 appellant filed an appeal from a March 28, 2017 merit decision of the Office of Workers’ Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards assigned Docket No. 21-0337.

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.² 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.³

The 180th day following the March 28, 2017 decision was September 24, 2017. As appellant did not file an appeal with the Board until January 12, 2021, more than 180 days after

¹ The Board notes that appellant’s application for review (Form AB-1) requests an appeal from a purported December 9, 2020 decision. The case record as transmitted to the Board, however, does not contain a decision of that date. The last OWCP decision of record was the March 28, 2017 decision.

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

³ *Id.* at § 501.3(e).

the March 28, 2017 OWCP decision, the Board finds that the appeal docketed as No. 21-0337 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."⁴

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0337 is dismissed.

Issued: May 12, 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

⁴ *Id.* at § 501.6(d).