

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

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**M.B., Appellant** )

**and** )

**DEPARTMENT OF JUSTICE, DRUG  
ENFORCEMENT AGENCY, Los Angeles, CA,  
Employer** )  
\_\_\_\_\_ )

**Docket No. 21-0127  
Issued: November 12, 2021**

*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 November 6, 2020 appellant, through counsel, filed an appeal from a September 3, 2020 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0127.

The Board, having duly considered the matter, notes that it has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.<sup>3</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.

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

<sup>3</sup> 20 C.F.R. § 501.3(e).

Following a preliminary review, by decision dated September 3, 2020, OWCP's hearing representative vacated the July 22, 2020 decision of OWCP and remanded the case for additional actions and further development of the medical evidence by OWCP. As such this case is in an interlocutory posture.<sup>4</sup> As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-0127 must be dismissed. Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-0127 is dismissed.

Issued: November 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

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<sup>4</sup> See 20 C.F.R. § 501.2(c)(2), which provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case"; *see also T.D.*, Docket No. 19-1506 n.4 (issued November 4, 2020); *K.K.*, Docket No. 19-0652 (issued September 19, 2019).