

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

E.W., Appellant

and

**DEPARTMENT OF VETERANS AFFAIRS, PFC
FLOYD K. LINDSTROM VA MEDICAL
CLINIC, Colorado Springs, CO, Employer**

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**Docket No. 22-0099
Issued: November 30, 2021**

Appearances:
Appellant, pro se
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 October 29, 2021 appellant, through her representative, filed an appeal from a March 8, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0099.

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.¹ 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.²

The 180th day following the March 8, 2021 decision was September 4, 2021. As appellant did not file an appeal with the Board until October 29, 2021, more than 180 days after the March 8, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-0099 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

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

² *Id.* at § 501.3(e).

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."³

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0099 is dismissed.

Issued: November 30, 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

³ *Id.* at § 501.6(d).