

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

_____)
R.T., Appellant)

and)

DEPARTMENT OF HOMELAND SECURITY,)
CUSTOMS & BORDER PROTECTION, JOHN)
F. KENNEDY INTERNATIONAL AIRPORT,)
Jamaica, NY, Employer)
_____)

Docket No. 22-0129
Issued: November 29, 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 November 3, 2021 appellant filed an appeal from a May 4, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0129.

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 May 4, 2021 decision was October 31, 2021. As this fell on a Sunday, appellant had until Monday, November 1, 2021 to file the appeal.³ Appellant did not file an appeal with the Board, however, until November 3, 2021, more than 180 days after the May 4,

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

² *Id.* at § 501.3(e).

³ 20 C.F.R. § 501.3(f)(3).

2021 OWCP decision. The Board thus finds that the appeal docketed as No. 22-0129 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 his ECAB 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. 22-0129 is dismissed.

Issued: November 29, 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 § 501.6(d).