

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

_____)	
K.A., Appellant)	
)	
and)	Docket No. 21-0408
)	Issued: October 7, 2021
DEPARTMENT OF THE TREASURY, OFFICE)	
OF THE COMPTROLLER OF THE)	
CURRENCY, Downers Grove, IL, Employer)	
_____)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On October 29, 2020 appellant sought appeal from a purported May 1, 2020 decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards assigned Docket No. 21-0408.

The Board, having duly considered this matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA)² and 20 C.F.R. §§ 501.2(c) and 501.3. This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed her appeal.³

¹¹ The Board notes that following the September 8, 2020 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

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."

Although the case record as transmitted to the Board does contain a document from OWCP dated May 1, 2020, it is an informational letter and, thus, does not constitute a final adverse decision subject to review under 20 C.F.R. §§ 501.2(c) and 501.3(a). As there is no final adverse decision over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-0408 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0408 is dismissed.

Issued: October 7, 2021
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board