

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

<p>J.T., Appellant</p> <p>and</p> <p>DEPARTMENT OF VETERANS AFFAIRS, VA MEDICAL CENTER, Richmond, VA, Employer, Employer</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. 21-0684 Issued: October 29, 2021</p>
---	---	--

Appearances: *Case Submitted on the Record*
Douglas Sughrue, Esq., for the appellant¹
Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

Before:
 ALEC J. KOROMILAS, Chief Judge
 JANICE B. ASKIN, Judge
 VALERIE D. EVANS-HARRELL, Alternate Judge

On March 25, 2021 appellant filed an appeal from a purported April 9, 2019 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0684.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal.³ The case record as transmitted to the Board does not contain a final

¹ 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.

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."

adverse decision of OWCP dated April 9, 2019.⁴ As there is no final adverse decision issued by OWCP dated April 9, 2019 over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 21-0684 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 21-0684 is dismissed.

Issued: October 29, 2021
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁴ The Board notes that on March 26, 2021 appellant filed an appeal from a final adverse overpayment decision of OWCP dated September 28, 2020. Appellant's appeal from that decision will proceed under Docket No. 21-0696.