

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

R.S., Appellant)	
)	
and)	Docket No. 22-0331 &
)	20-1307
DEPARTMENT OF VETERANS AFFAIRS,)	Issued: August 24, 2022
WEST LOS ANGELES VA MEDICAL)	
CENTER, Los Angeles, CA, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 22-0331 AND ORDER
DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO.
20-1307**

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On December 21, 2021 appellant sought an appeal from a June 29, 2021 decision of the Board.¹ The Clerk of the Appellate Boards assigned Docket No. 22-0331.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act.² The only decision of record was a Board decision remanding appellant's appeal in Docket No. 20-1307 as there was no final adverse decision of OWCP within the Board's jurisdiction.³ The decision became final after 30 days of issuance and is not subject to further review.⁴ The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within

¹ Docket No. 20-1307 (issued June 29, 2021).

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

³ *Supra* note 1.

⁴ 20 C.F.R. § 501.6(d); *see R.T.*, Docket No. 19-0604 (issued September 13, 2019).

180 days from the date of docketing of the current appeal.⁵ 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. 22-0331 must be dismissed.⁶

To the extent that appellant's December 21, 2021 appeal may be construed as a petition for reconsideration of the Board's June 29, 2021 decision in Docket No. 20-1307, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁷ As appellant did not file his disagreement with the Board's June 29, 2021 decision until December 21, 2021, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁸ Thus, the petition for reconsideration of the June 29, 2021 Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0331 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 20-1307 is dismissed as untimely filed.

Issued: August 24, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

⁵ *Id.* at § 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."

⁶ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance. 20 C.F.R. § 501.6(d).

⁷ *Id.* at § 501.6(d).

⁸ *See id.* at § 501.7(a).