

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

_____)
B.V., Appellant)

and)

DEPARTMENT OF VETERANS AFFAIRS,)
CENTRAL CALIFORNIA HEALTH CARE)
SYSTEM, Fresno, CA, Employer)
_____)

Docket No. 22-0853
Issued: December 1, 2022

Appearances:
Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

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

On May 12, 2022 appellant, through counsel, sought an appeal from a purported April 5, 2022 decision of the Office of Workers' Compensation Programs (OWCP).² The Clerk of the Appellate Boards assigned Docket No. 22-0853.

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 (FECA).³ This jurisdiction encompasses any final decision issued by OWCP within 180 days of

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 The case record contains a n OWCP decision dated March 29, 2022. As counsel did not appeal from this decision, the Board will not review this decision in this appeal. See 20 C.F.R. § 501.3; see also *D.E.*, Docket No. 21-0531 (issued June 16, 2021).

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

the date appellant filed her appeal.⁴ The Board notes that the case record does not contain a final adverse decision of OWCP dated April 5, 2022.

As there is no final adverse decision of OWCP, appealed by counsel within 180 days of the filing of this appeal, the Board concludes that the appeal docketed as No. 22-0853 must be dismissed.⁵

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0853 is dismissed.

Issued: December 1, 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

⁴ *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 OWCP.”

⁵ *Id.*