

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

C.M., Appellant)	
)	
and)	Docket Nos. 22-0145 &
)	20-1647
DEPARTMENT OF THE ARMY,)	Issued: July 29, 2022
INSTALLATION MANAGEMENT)	
COMMAND, Fort Carson, CO, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 22-0145 AND
DISMISSING PETITION FOR RECONSIDERATION
IN DOCKET NO. 20-1647**

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On November 5, 2021 appellant filed an appeal from a purported October 5, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0145.

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 This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed her appeal.² The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current

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

² 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."

appeal.³ The only decision found in the case record dated October 5, 2021 is a Board decision assigned Docket No. 20-1647.⁴ 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 Docket No. 22-0145 must be dismissed.

To the extent that appellant's November 5, 2021 appeal may be construed as a petition for reconsideration of the Board's October 5, 2021 decision in Docket No. 20-1647, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁵ Further, as appellant did not file her disagreement with the Board's October 5, 2021 decision until November 5, 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.⁶ Thus, the petition for reconsideration of the October 5, 2021 Board decision in 20-1647 must be dismissed as untimely filed. Accordingly,

³ *Id.*

⁴ 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).

⁵ *Id.*

⁶ *See id.* at § 501.7(a).

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 22-0145 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 20-1647 is dismissed as untimely filed.

Issued: July 29, 2022
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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