

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

S.M., Appellant)

and)

DEPARTMENT OF VETERANS AFFAIRS,)
ROCKY MOUNTAIN REGIONAL VA)
MEDICAL CENTER, Aurora, CO, Employer)
_____)

**Docket No. 22-1095
Issued: July 29, 2022**

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

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 15, 2022 appellant filed an appeal from a September 21, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-1095.

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 For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.²

The 180th day following the September 21, 2021 decision was March 20, 2022. As appellant did not file an appeal with the Board until July 15, 2022, more than 180 days after the September 21, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-1095 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

² 20 C.F.R. § 501.3(e).

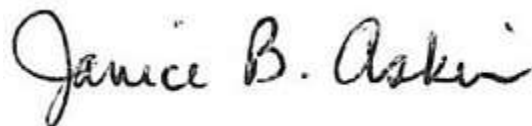
a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. Because there is no final adverse decision issued by OWCP within 180 days of the filing of the instant appeal, the Board concludes that the appeal docketed as No. 22-1095, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-1095 is dismissed.

Issued: July 29, 2022
Washington, DC



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



Janice B. Askin, Judge
Employees' Compensation Appeals Board



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

³ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Id.* at § 501.6(d).