

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

C.G., Appellant)

and)

U.S. POSTAL SERVICE, PROCESSING &)
DISTRIBUTION CENTER, Tampa, FL,)
Employer)

**Docket No. 21-1408
Issued: June 21, 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

JAMES D. MCGINLEY, Alternate Judge

On September 20, 2021 appellant filed a timely appeal from August 25 and September 8, 2021 merit decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1408.

The Board, having duly considered the matter in Docket No. 21-1408, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ 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 appeal.² In the August 25, 2021 decision, an OWCP hearing representative set aside a February 4, 2021 preliminary overpayment decision of OWCP and remanded the case for a *de novo* preliminary overpayment decision with regard to the period of April 6, 2017 through April 28, 2018. On September 8, 2021 OWCP issued its *de novo* preliminary overpayment determination. Neither the August 25, 2021 decision nor the September 8, 2021 preliminary overpayment determination

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

² *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. *See also supra* note 1.

constitute a final adverse decision.³ 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. 21-1408 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1408 is dismissed.

Issued: June 21, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

A handwritten signature in black ink, appearing to read "J. D. McGinley", written in a cursive style.

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

³ See *G.T.*, Docket No. 21-0199 (issued December 1, 2021).