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V.H., Appellant)	
)	
and)	Docket No. 22-0193
)	Issued: June 21, 2022
U.S. POSTAL SERVICE, POST OFFICE,)	
Bell Gardens, CA, Employer)	
)	

Case Submitted on the Record

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

OWCP accepted that appellant, then a 40-year-old letter carrier, fractured her right foot on November 1, 2006 when she slipped and twisted her foot while in the performance of duty. It accepted the claim for right metacarpal bone fracture and right plantar fibromatosis and paid her wage-loss compensation on the supplemental rolls as of December 18, 2006 and on the periodic rolls as of June 7, 2009.

On May 24, 2021 appellant filed a timely appeal to the Board from the November 23, 2020 nonmerit decision of OWCP. The Clerk of the Appellate Boards docketed the appeal as No. 21-0910.

During the pendency of the appeal in Docket No. 21-0910, on June 13, 2021 appellant again requested reconsideration of the termination of her compensation benefits. On June 22, 2021 OWCP issued a nonmerit decision, denying reconsideration.

The Board finds that this appeal must be dismissed as the June 22, 2021 decision from which appellant appealed is null and void.

The Board's *Rules of Procedure*, at section 501.2(c)(3), provides:

"The Board and OWCP may not exercise simultaneous jurisdiction over the same issue in a case on appeal. Following the docketing of an appeal before the Board, OWCP does not retain jurisdiction to render a further decision regarding the issue on appeal until after the Board relinquishes jurisdiction."¹

Similarly, section 10.626 of OWCP's regulations provides in pertinent part:

"While a case is on appeal to the [the Board], OWCP has no jurisdiction over the claim with respect to issues which directly relate to the issue or issues on appeal. [It] continues to administer the claim and retains jurisdiction over issues unrelated to the issue or issues on appeal and issues which arise after the appeal as a result of ongoing administration of the case."²

The Board, having duly considered the matter, notes that on June 22, 2021 OWCP denied appellant's June 13, 2021 request for reconsideration regarding the termination of her compensation benefits. However, once appellant filed the Board appeal on May 24, 2021 of OWCP's November 23, 2020 decision denying her request for reconsideration of the termination of her compensation benefits, OWCP had no jurisdiction to issue its June 22, 2021 decision.³ Consequently, the June 22, 2021 decision is null and void.⁴

Pursuant to 5 U.S.C. § 8149 and 20 C.F.R. §§ 501.2(c) and 501.3(a), the Board's jurisdiction is limited to the review of final adverse decisions of OWCP issued under the Federal Employees' Compensation Act. As the June 22, 2021 OWCP decision is null and void, the appeal assigned Docket No. 22-0193 does not contain a final adverse decision over which the Board may properly take jurisdiction. Therefore, the Board finds that the appeal docketed as No. 22-0193 is dismissed. Accordingly,

¹ 20 C.F.R. §§ 501.2(c)(3). *See also Order Dismissing Appeal, T.T.*, Docket No. 20-0864 (issued December 17, 2020); *M.S.*, Docket Nos. 19-1090 & 20-0408 (issued April 20, 2020); *J.W.*, Docket No. 19-1688 (issued March 18, 2020); *George Simpson*, Docket No. 93-0452 (issued February 18, 1994); *Douglas E. Billings*, 41 ECAB 880 (1990).

² 20 C.F.R. § 10.626.

³ *Douglas E. Billings*, *supra* note 1. *See also D.F.*, Docket No. 19-1257 (issued July 14, 2020).

⁴ The Board had held that decisions that change the status of a decision on appeal are null and void. *Id.* *See also G.W.*, Docket No. 19-0260 (issued July 10, 2020); *Cathy B. Millin*, 51 ECAB 331 (2000).

IT IS HEREBY ORDERED THAT Docket No. 22-0193 is dismissed.

Issued: June 21, 2022
Washington, DC

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

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

A handwritten signature in black ink, appearing to read "J. D. McGinley". The signature is written in a cursive, flowing style with a large initial "J" and "M".

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