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

T.D. A. III.	)
I.B., Appellant	)
and	Docket No. 22-0737 Issued: June 2, 2022
DEPARTMENT OF THE NAVY, NAVAL AIR STATION, Alameda, CA, Employer	) )
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

## ORDER DISMISSING APPEAL

## Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On April 13, 2022 appellant filed an appeal from an August 4, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0737.

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.<sup>1</sup> 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.<sup>2</sup>

The 180<sup>th</sup> day following the August 4, 2021 decision was January 31, 2022. As appellant did not file an appeal with the Board until April 13, 2022, more than 180 days after the August 4, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-0737 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant contends that the filing of his appeal was delayed because it took him some time to acquire needed information from the Social

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. § § 501.2(c) and 501.3(a) (2009).

<sup>&</sup>lt;sup>2</sup> *Id.* at § 501.3(e).

Security Administration, and because he had contracted COVID-19. Although appellant has offered reasons to explain the failure to timely file an appeal, he has not provided 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. 22-0737, must be dismissed.<sup>3</sup> Accordingly,

## IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0737 is dismissed.

Issued: June 2, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

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

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

 $<sup>^3</sup>$  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).