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

B.L., Appellant	) ) ) )
U.S. POSTAL SERVICE, DETROIT NETWORK DISTRIBUTION CENTER, Detroit, MI, Employer	Docket No. 22-0878 Issued: June 3, 2022 ) ) )
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## ORDER DISMISSING APPEAL

<u>Before:</u>
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On May 17, 2022 appellant filed an appeal from a December 17, 2020 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0878.

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 December 17, 2020 decision was June 15, 2021. As appellant did not file an appeal with the Board until May 17, 2022, more than 180 days after the December 17, 2020 OWCP decision, the Board finds that the appeal docketed as No. 22-0878 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

<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).

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. 22-0878, must be dismissed.<sup>3</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0878 is dismissed.

Issued: June 3, 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

<sup>&</sup>lt;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).