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

J.S., Appellant	)	
, <del>-</del>	)	D 1 (N 22 00//
and	)	Docket No. 23-0066 Issued: November 21, 2022
U.S. POSTAL SERVICE, SAN FRANCISCO	)	,
PROCESSING & DISTRIBUTION CENTER,	)	
San Francisco, 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 VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. MCGINLEY, Alternate Judge

On October 18, 2022 appellant filed an appeal from a November 3, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0066.

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. 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 November 3, 2020 decision was May 2, 2021. As appellant did not file an appeal with the Board until October 18, 2022, more than 180 days after the November 3, 2020 OWCP decision, the Board finds that the appeal docketed as No. 23-0066 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 501.3(e).

explained his 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. 23-0066, must be dismissed.<sup>3</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0066 is dismissed.

Issued: November 21, 2022 Washington, DC

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

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

> James D. McGinley, 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." Id. at § 501.6(d).