United States Department of Labor Employees' Compensation Appeals Board

S.T., Appellant and DEPARTMENT OF VETERANS AFFAIRS, OLIN E. TEAGUE VETERANS' MEDICAL CENTER, Temple, TX, Employer))))) Docket No. 23-0104) Issued: November 21, 2022
Appearances: Appellant, pro se Office of Solicitor, for the Director) Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On October 25, 2022 appellant filed an appeal from a November 24, 2021 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0104.

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.¹ 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.²

The 180th day following the November 24, 2021 decision was May 23, 2022. As appellant did not file an appeal with the Board until October 25, 2022, more than 180 days after the November 24, 2021 OWCP decision, the Board finds that the appeal docketed as No. 23-0104 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained her failure to timely file an appeal with supporting documentation sufficient to

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

² 20 C.F.R. § 501.3(e).

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. 23-0104, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0104 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

³ 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).