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

)

)

)

)

T.T., Appellant and U.S. POSTAL SERVICE, POST OFFICE, OLD HAMMOND STATION, Baton Rouge, LA, Employer

Docket No. 22-1361 Issued: October 25, 2022

Case Submitted on the Record

*Appearances: Appellant, pro se Office of Solicitor,* for the Director

## **ORDER DISMISSING APPEAL**

<u>Before:</u> ALEC J. KOROMILAS, Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On September 27, 2022 appellant filed an appeal from a March 29, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-1361.

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 March 29, 2022 decision was September 25, 2022. As appellant did not file an appeal with the Board until September 27, 2022, more than 180 days after the March 29, 2022 OWCP decision, the Board finds that the appeal docketed as No. 22-1361 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

<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).

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. 22-1361, must be dismissed.<sup>3</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-1361 is dismissed.

Issued: October 25, 2022 Washington, DC

> Alec J. Koromilas, 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." *Id.* at § 501.6(d).