

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

S.M., Appellant)	
)	
and)	Docket Nos. 22-0468 &
)	21-0449
U.S. POSTAL SERVICE, NORTHWEST)	Issued: September 26, 2022
DALLAS POST OFFICE, Dallas, TX, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 22-0468
AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET
NO. 21-0449**

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On February 9, 2022 appellant sought an appeal from a purported October 25, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0468.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.² The case record as transmitted to the Board does not contain an October 25, 2021 decision of OWCP, nor does it contain any other final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal.³ As there is no final

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

² *Id.* at § 501.3(e) provides in pertinent part "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

³ *Id.*

adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 22-0468 must be dismissed.⁴

To the extent that appellant's February 9, 2022 appeal may be construed as a petition for reconsideration of the Board's October 25, 2021 decision in Docket No. 21-0449, the Board notes that its decision became final 30 days after its issuance.⁵ Further, as appellant did not file his disagreement with the Board's October 25, 2021 decision until February 9, 2022, this submission may not be deemed a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁶ Thus, the petition for reconsideration of the October 25, 2021 Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 22-0468 is dismissed.

IT IS HEREBY ORDERED THAT the petition for reconsideration docketed as Docket No. 21-0449 is dismissed.

Issued: September 26, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

⁴ 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).

⁵ *Id.*

⁶ *See id.* at § 501.7(a).