

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

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| G.L., Appellant |) | |
| |) | |
| and |) | Docket No. 23-0352 & 22-1378 |
| |) | |
| DEPARTMENT OF THE NAVY, MARINE CORPS BASE CAMP PENDLETON, Barstow, CA, Employer |) | Issued: April 13, 2023 |
| |) | |
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Appearances:
Appellant, pro se,
Office of Solicitor, for the Director

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 23-0352 AND ORDER
DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO.
22-1378**

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

On January 12, 2023 appellant sought an appeal from a purported October 26, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0352.

The Board has duly considered the matter and notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA).¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed her appeal.² As of the filing of the current appeal, the most recent OWCP decision was dated October 26, 2020. Thereafter, by an October 25, 2022 order in Docket No.

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) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

22-1378,³ the Board dismissed appellant's September 22, 2022 appeal of OWCP's October 26, 2020 decision as untimely filed.

As there is no final adverse decision of OWCP issued within 180 days of the filing of this appeal, over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 23-0352 must be dismissed.

To the extent that appellant's January 12, 2023 appeal may be construed as a petition for reconsideration of the Board's October 25, 2022 order in Docket No. 22-1378, the Board notes that its order became final 30 days after its issuance.⁴ Further, as appellant did not file his disagreement with the Board's October 25, 2022 order until January 12, 2023, 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.⁵ Thus, the petition for reconsideration of the October 25, 2022 Board order must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0352 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration docketed as No. 22-1378 is dismissed as untimely filed.⁶

Issued: April 13, 2023
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

³ *Order Dismissing Appeal*, Docket No. 22-1378 (issued October 25, 2022).

⁴ 20 C.F.R. § 501.6(d).

⁵ *See id.* at § 501.7(a)

⁶ 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).