United States Department of Labor Employees' Compensation Appeals Board

A.W. Appellant)
A.K., Appellant)
and	Docket Nos. 22-0923 & 21-0278
U.S. POSTAL SERVICE, BLOOMINGTON) Issued: February 13, 2023
POSTAL SERVICE, Bloomington, IL, Employer)
)
Appearances:	Case Submitted on the Record
Appellant, pro se	

ORDER DISMISSING APPEAL IN DOCKET NO. 22-0923 AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 21-0278

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On May 23, 2022 appellant sought an appeal from a purported July 12, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0923.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA). This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed her appeal. The July 12, 2021 decision was a Board decision assigned Docket No. 21-0278, which affirmed a November 2, 2020 OWCP decision. As there is no final

Office of Solicitor, for the Director

¹ 5 U.S.C. § 8149; 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."

³ Docket No. 21-0278 (issued July 12, 2021).

adverse decision issued by OWCP within 180 days of the filing of this appeal,⁴ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 22-0923 must be dismissed.

To the extent that appellant's May 23, 2022 appeal may be construed as a timely petition for reconsideration of the Board's July 12, 2021 decision in Docket No. 21-0278, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance. As appellant did not file her disagreement with the Board's July 12, 2021 decision until May 23, 2022, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance. Thus, the petition for reconsideration of the July 12, 2021 Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0923 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 21-0278 is dismissed as untimely filed.⁷

Issued: February 13, 2023

Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

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

⁵ 20 C.F.R. § 501.6(d).

⁴ Supra note 2.

⁶ See id. at § 501.7(a).

⁷ 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).