United States Department of Labor Employees' Compensation Appeals Board

K.P., Appellant)	
and	,	et Nos. 22-0966 & 21-1065 l: February 28, 2023
DEPARTMENT OF VETERANS AFFAIRS, SAN DIEGO VA MEDICAL CENTER, San Diego, CA, Employer))))	
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Subr	nitted on the Record

ORDER DISMISSING APPEAL IN DOCKET NO. 22-0966 AND ORDER DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 21-1065

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JAMES D. McGINLEY, Alternate Judge

On June 10, 2022 appellant sought an appeal from purported March 30, 2022 and June 21, 2021 decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 22-0966.

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 a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal over which the Board may properly exercise jurisdiction. As there is no final adverse decision

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 the OWCP."

issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 22-0966 must be dismissed.³

As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 22-0966 must be dismissed.

To the extent that this appeal constitutes a petition for reconsideration of the Board's March 30, 2022 order in Docket No 21-1065, the Board finds that this petition for reconsideration is untimely, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁴ As appellant did not file his disagreement with the Board's March 30, 2022 order until June 10, 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.⁵ Thus, the petition for reconsideration of the March 30, 2022 Board order in Docket No. 21-1065 must be dismissed as untimely.

Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0966 is dismissed.

³ 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).

⁴ 20 C.F.R. § 501.6(d).

⁵ See id. at § 501.7(a).

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 21-1065 is dismissed as untimely filed.

Issued: February 28, 2023

Washington, DC

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

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

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