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

M.M., Appellant	) )
and	) Docket No. 22-0997
U.S. POSTAL SERVICE, POST OFFICE, Grand Rapids, MI, Employer	) Issued: February 7, 2023
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## **ORDER DISMISSING APPEAL**

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

On June 15, 2022 appellant sought an appeal from a purported May 25, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0997.

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.<sup>2</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal.<sup>3</sup> On May 25, 2022 OWCP issued a notice of proposed termination of compensation. The May 25, 2022 notice did not constitute a final adverse decision. It had not issued a final decision regarding the termination of compensation as of June 15, 2022, the date appellant filed her appeal. Section 501.2 (c)(2) of the Board's *Rules of Procedure* provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by

<sup>&</sup>lt;sup>1</sup> Appellant noted the date of the purported decision on appeal as June 25, 2022. However, as she filed her appeal on June 15, 2022 it appears that the appeal was from a May 25, 2022 notice of proposed termination.

<sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>3</sup> 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."

OWCP during the pendency of a case."<sup>4</sup> 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.<sup>5</sup> 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 Docket No. 22-0997 must be dismissed.<sup>6</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as Docket No. 22-0997 is dismissed.

Issued: February 7, 2023 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

<sup>&</sup>lt;sup>4</sup> *Id.* at § 501.2(c)(2).

<sup>&</sup>lt;sup>5</sup> *Id*.

<sup>&</sup>lt;sup>6</sup> 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).