United States Department of Labor Employees' Compensation Appeals Board

M.M., Appellant)
and) Docket No. 23-0244) Issued: February 3, 2023
DEPARTMENT OF HOMELAND SECURITY, FEDERAL PROTECTIVE SERVICE,)
Washington, DC, Employer)
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On December 6, 2022 appellant filed an appeal from a February 25, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0244.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.²

The 180th day following the February 25, 2021 decision was August 24, 2021. As appellant did not file an appeal with the Board until December 6, 2022, more than 180 days after the February 25, 2021 OWCP decision, the Board finds that the appeal docketed as No. 23-0244 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his failure to timely file an appeal with supporting documentation sufficient to

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).

establish compelling circumstances. Because there is no final adverse decision issued by OWCP within 180 days of the filing of the instant appeal, the Board concludes that the appeal docketed as No. 23-0244, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0244 is dismissed.

Issued: February 3, 2023 Washington, DC

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

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

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

³ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Id.* at § 501.6(d).