

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

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**J.W., Appellant**

**and**

**DEPARTMENT OF JUSTICE, FEDERAL  
CORRECTIONS CENTER, ALLENWOOD,  
White Deer, PA, Employer**

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**Docket No. 23-0259  
Issued: February 3, 2023**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

On December 14, 2022 appellant filed an appeal from a May 12, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0259.

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.<sup>1</sup> 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.<sup>2</sup>

The 180<sup>th</sup> day following the May 12, 2022 decision was November 8, 2022. As appellant did not file an appeal with the Board until December 14, 2022, more than 180 days after the May 11, 2022 OWCP decision, the Board finds that the appeal docketed as No. 23-0259 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>2</sup> 20 C.F.R. § 501.3(e).

explained his failure to timely file an appeal with supporting documentation sufficient to 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. 23-0259, must be dismissed.<sup>3</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 23-0259 is dismissed.

Issued: February 3, 2023  
Washington, DC

Patricia H. Fitzgerald, Deputy 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

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<sup>3</sup> 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).