United States Department of Labor Employees' Compensation Appeals Board

D.A., Appellant and DEPARTMENT OF THE ARMY, McALESTER))))	Docket No. 23-0389 Issued: February 27, 2023
ARMY AMMUNITION PLANT, McAlester, OK, Employer)	
Appearances: Appellant, pro se Office of Solicitor, for the Director	(Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On January 5, 2023 appellant filed an appeal from a June 22, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0389.

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 June 22, 2022 decision was December 19, 2022. As appellant did not file an appeal with the Board until January 5, 2023, more than 180 days after the June 22, 2022 OWCP decision, the Board finds that the appeal docketed as No. 23-0389 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not

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).

explained her 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. 23-0389, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0389 is dismissed.

Issued: February 27, 2023 Washington, DC

> Janice B. Askin, 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).