

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

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**K.F., Appellant** )

**and** )

**U.S. POSTAL SERVICE, NORTH METRO** )  
**POST OFFICE, Duluth, GA, Employer** )  
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**Docket No. 22-1134**  
**Issued: January 10, 2023**

*Appearances:*

*Wayne Johnson, Esq., for the appellant*<sup>1</sup>  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:

ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

On July 25, 2022 appellant, through counsel, sought an appeal from a June 27, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-1134.

The Board, having duly considered this 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 her appeal.<sup>3</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

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<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

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

<sup>3</sup> *Id.* at § 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."

appeal.<sup>4</sup> By decision dated June 27, 2022, OWCP's hearing representative vacated the March 17, 2022 decision of OWCP and remanded the case for further development followed by a *de novo* decision. As such, this case is in interlocutory posture.<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 assigned Docket No. 22-1134 must be dismissed. Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal assigned Docket No. 22-1134 is dismissed.

Issued: January 10, 2023  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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<sup>4</sup> *Id.*

<sup>5</sup> See 20 C.F.R. § 501.2(c)(2), which provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case."; see also *T.D.*, Docket No. 19-1506 n.4 (issued November 4, 2020); *K.K.*, Docket No. 19-0652 (issued September 19, 2019).