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

J.C., Appellant and DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS, New York, NY, Employer	) ) ) ) Docket No. 23-0246 ) Issued: January 12, 2023 ) )
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## ORDER DISMISSING APPEAL

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge JAMES D. McGINLEY, Alternate Judge

On December 6, 2022 appellant filed an appeal from a May 6, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0246.

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. 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 6, 2022 decision was November 2, 2022. As appellant did not file an appeal with the Board until December 6, 2022, more than 180 days after the May 6, 2022 OWCP decision, the Board finds that the appeal docketed as No. 23-0246 is

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

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 501.3(e).

untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not 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. 23-0246, must be dismissed.<sup>3</sup> Accordingly,

## IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0246 is dismissed.

Issued: January 12, 2023 Washington, DC

> Patricia H. Fitzgerald, Deputy 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>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).