

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

C.S., Appellant)	
)	
and)	Docket No. 23-0187 & 22-1228
)	Issued: July 18, 2023
DEPARTMENT OF COMMERCE, U.S.)	
CENSUS BUREAU, Los Angeles, CA, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 23-0187 AND
DISMISSING PETITION FOR RECONSIDERATION IN
DOCKET NO. 22-1228**

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

On November 22, 2022 appellant sought an appeal from a purported September 29, 2022 decision of Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0187.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.¹ 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 appeal.² On September 29, 2022 the Board issued an order dismissing appellant's appeal in Docket No. 22-1228.³ As there

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

² *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 OWCP."

³ *Order Dismissing Appeal*, Docket No. 22-1228 (issued September 29, 2022).

is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 23-0187 must be dismissed.⁴

To the extent that appellant's November 22, 2022 appeal may be construed as a petition for reconsideration of the Board's September 29, 2022 order in Docket No. 22-1228, the Board notes that its order became final upon the expiration of 30 days from the date of issuance.⁵ As appellant did not file her disagreement with the Board's September 29, 2022 order until November 22, 2022, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁶ Thus, the petition for reconsideration of the September 29, 2022 Board order must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0187 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 22-1228 is dismissed as untimely filed.

Issued: July 18, 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

⁴ *Id.* at § 501.6(d).

⁵ 20 C.F.R. § 501.6(d); *see Order Dismissing Appeal, R.S.*, Docket Nos. 20-1307 and 22-0331 (issued August 24, 2022); *R.T.*, Docket No. 19-0604 (issued September 13, 2019).

⁶ *See id.* at § 501.7(a).