

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

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M.B., Appellant)	
)	
and)	Docket No. 23-0750
)	Issued: July 20, 2023
U.S. POSTAL SERVICE, GRACELAND STATION, Chicago, IL, Employer)	
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Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On May 1, 2023 appellant filed a timely appeal from a March 9, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0750 to the appeal.

The Board, having duly considered this matter, notes that the Board and OWCP may not simultaneously exercise jurisdiction over the same issue(s) in a case on appeal.¹ By the March 9, 2023 decision, OWCP found that appellant failed to meet her burden of proof to establish greater than 16 percent permanent impairment of the left lower extremity and 23 percent permanent impairment of the right lower extremity, for which she previously received schedule award compensation. However, on January 6, 2023, appellant had filed an appeal with the Board from a December 21, 2022 OWCP decision, regarding the same issue, to which the Clerk of the Appellate Boards assigned Docket No. 23-0346. As the issue of whether appellant had greater percentages of impairment of the right and left lower extremities for which she had previously received

¹ 20 C.F.R. §§ 501.2(c)(3), 10.626; *Douglas E. Billings*, 41 ECAB880 (1990). See also *Order Dismissing Appeal, A.J.*, Docket No. 22-1336 (issued May 15, 2023); *Order Dismissing Appeal, M.H.*, Docket No. 22-0880 (issued November 4, 2022).

schedule award compensation was pending before the Board in Docket No. 23-0346 when OWCP issued its March 9, 2023 decision, OWCP's March 9, 2023 decision is null and void.²

As OWCP's March 9, 2023 decision is null and void, there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction. The Board, therefore, concludes that the appeal docketed as No. 23-0750 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0750 is dismissed.

Issued: July 20, 2023
Washington, DC

Alec J. Koromilas, 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

² *Id.*; see also *G.W.*, Docket No. 19-0260 (issued July 10, 2020); *Cathy B. Millin*, 51 ECAB 331 (2000).