

The 180th day following the August 11, 2022 decision was February 7, 2023. As appellant did not file an appeal with the Board until June 5, 2023, more than 180 days after the August 11, 2022 OWCP decision, the Board finds that the appeal docketed as No. 23-0846 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant's representative argued that appellant's appeal was untimely because, among other things, OWCP sent appellant's decision to an incorrect address, and that there were problems with OWCP's electronic filing system. However, this explanation is insufficient without supporting documentation to establish compelling circumstances as required under section 501.3(e) of the Board's *Rules of Procedure*.⁴ 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. 23-0846, must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0846 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

⁴ *Id.* 20 C.F.R. § 501.3(e) further provides: "The Board maintains discretion to extend the time period for filing an appeal if an applicant demonstrates compelling circumstances. Compelling circumstances means circumstances beyond the appellant's control that prevent the timely filing of an appeal and does not include any delay caused by the failure of an individual to exercise due diligence in submitting a notice of appeal."

⁵ 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).