

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

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**M.B., Appellant**

**and**

**DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION AUTHORITY,  
Bridgeport, WV, Employer**

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**Docket No. 23-0940  
Issued: July 26, 2023**

*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 June 29, 2023 appellant filed an appeal from a September 30, 2022 merit decision of the Office of Workers’ Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0940.

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.<sup>1</sup> 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 September 30, 2022 decision was March 29, 2023. As appellant did not file an appeal with the Board until June 29, 2023, more than 180 days after the September 30, 2022 OWCP decision, the Board finds that the appeal docketed as No. 23-0940 is

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

<sup>2</sup> 20 C.F.R. § 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.”

untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his 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. 23-0940, must be dismissed.<sup>3</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 23-0940 is dismissed.

Issued: July 26, 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

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<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).