

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

S.C., Appellant)	
)	
and)	Docket No. 23-0094
)	Issued: March 20, 2023
U.S. POSTAL SERVICE, POST OFFICE,)	
New Orleans, LA, Employer)	
)	

Appearances:
Anita Lewallen, for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On October 31, 2022 appellant, through her representative, filed an appeal from a purported October 26, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0094.

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 (FECA).² This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.³ The case record contains an October 26, 2022 Board order

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*; *id.* at §§ 501.2(c) and 501.3(a).

³ *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 the OWCP."

dismissing appeal issued in Docket No. 23-0016, finding that the appeal was untimely filed.⁴ However, as of the filing of the current appeal, the most recent OWCP decision was dated January 19, 2022.⁵ As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal,⁶ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 23-0094 must be dismissed.⁷ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 23-0094 is dismissed.⁸

Issued: March 20, 2023
Washington, DC

Patricia H. Fitzgerald, Deputy 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 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).

⁵ *Order Dismissing Appeal*, Docket No. 23-0016 (issued October 26, 2022).

⁶ *Supra* note 3.

⁷ The Board notes that appellant, through her representative, filed a timely petition for reconsideration from the Board's October 26, 2022, order in Docket No. 23-0016. *See* 20 C.F.R. § 501.7(a). The Board will address that petition for reconsideration by separate order.

⁸ 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).