

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

A.V., Appellant)	
)	
and)	Docket No. 23-0170
)	Issued: November 9, 2023
DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, Washington, DC, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 23-0170 AND
DISMISSING PETITION FOR RECONSIDERATION IN
DOCKET NO. 21-0645**

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

On November 15, 2022 appellant sought an appeal from purported September 26 and November 14, 2022 decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0170.

The Board has duly considered the matter and notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA).¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed her appeal.² As of the filing of the current appeal, the most recent OWCP decision was dated April 19, 2022, more than 180 days from the date appellant filed her November 15, 2022 appeal.

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a).

² 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."

Regarding appellant's appeal from a purported November 14, 2022 decision, in correspondence of that date OWCP advised her that it had not received payment for an overpayment created during the period February 15, 2019 through October 10, 2020 and informed her that the debt would be considered delinquent within 30 days. This correspondence, however, was informational and does not constitute a final adverse decision of OWCP from which appellant may properly appeal.³ As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal,⁴ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal assigned Docket No. 23-0170 must be dismissed.

To the extent that this appeal may be construed as a petition for reconsideration of the Board's September 26, 2022 decision in Docket No. 21-0645, the Board notes that, as discussed, its decision 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 26, 2022 decision until November 15, 2022, this submission may not be deemed as a timely petition for reconsideration as it was filed more than 30 days from the date of issuance.⁶ Thus, the petition for reconsideration of the September 26, 2022 Board decision in Docket No. 21-0645 must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0170 is dismissed.

³ See *Order Dismissing Appeal, A.L.*, Docket No. 22-0782 (issued December 5, 2022); *Order Dismissing Appeal, E.B.*, Docket No. 21-1281 (issued April 5, 2022) (correspondence that is purely informational in nature does not constitute a final adverse decision of OWCP from which appellant may properly appeal). *Id.* at §§ 501.2(c) and 501.3(a).

⁴ *Supra* note 2.

⁵ 20 C.F.R. § 501.6(d); see also *Order Dismissing Appeal and Denying Request for Oral Argument, J.C.*, Docket No. 21-0511 (issued September 10, 2021). See also *Order Dismissing Appeal, R.N.*, Docket Nos. 23-0015 and 21-0573 (issued December 27, 2022).

⁶ See *supra* note 2 at § 501.7(a).

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 21-0645 is dismissed as untimely filed.

Issued: November 9, 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