



after the August 10, 2022 OWCP decision, the Board finds that the appeal docketed as No. 24-0095 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant argued that his appeal should be deemed timely, alleging that he was given incorrect instructions by OWCP in filing his Board appeal. However, this explanation is insufficient to establish compelling circumstances as required under section 501.3(e) of the Board's *Rules of Procedure*.<sup>3</sup> 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. 24-0095, must be dismissed.<sup>4</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 24-0095 is dismissed.

Issued: November 30, 2023  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board

---

<sup>3</sup> *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."

<sup>4</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).