

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

R.B., Appellant)	
)	
and)	Docket No. 23-0712
)	Issued: September 14, 2023
U.S. POSTAL SERVICE, GREAT BRIDGE)	
POST OFFICE, Chesapeake, VA, Employer)	
)	

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

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

On April 23, 2023 appellant filed a timely appeal from an April 14, 2023 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0712.

The Board notes that the April 14, 2023 nonmerit decision denied appellant's request for reconsideration of a December 8, 2022 merit decision. However, on January 14, 2023, appellant had filed a timely appeal before the Board from the December 8, 2022 merit decision. That appeal was assigned Docket No. 23-0361. As the appeal of the OWCP merit decision in Docket No. 23-0361 was pending on April 14, 2023 the OWCP nonmerit decision that is the subject of this appeal is *null* and *void*.¹

As OWCP's April 14, 2023 nonmerit decision is *null* and *void*, appellant did not appeal from a final adverse decision. As there is no final adverse decision issued by OWCP over which

¹ The Board and OWCP may not simultaneously exercise jurisdiction over the same issue(s). 20 C.F.R. §§ 501.2(c)(3), 10.626; *see D.P.*, Docket No. 20-1330 (issued February 19, 2021); *J.C.*, Docket No. 19-1849, n2 (issued November 17, 2020); *Russell E. Lerman*, 43 ECAB 770 (1992); *Douglas E. Billings*, 41 ECAB 880 (1990).

the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 23-0712 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0712 is dismissed.

Issued: September 14, 2023
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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