

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

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E.A., Appellant)	
)	
and)	Docket No. 23-0741
)	Issued: September 26, 2023
U.S. POSTAL SERVICE, POST OFFICE,)	
La Puente CA, Employer)	
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Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On April 26, 2023 appellant filed an appeal from a purported April 12, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0741.

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.¹ 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.²

The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal. The April 12, 2023 decision was a Board order, assigned Docket No. 23-0495, which dismissed appellant's

¹ 5 U.S.C. § 8101 *et seq.*; 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."

February 21, 2023 appeal as it was untimely filed from an August 20, 2021 OWCP merit decision.³ As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 23-0741 must be dismissed.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 23-0741 is dismissed.

Issued: September 26, 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

³ The documentation submitted in support of appellant's appeal will proceed as a timely petition for reconsideration of the Board's final order in Docket No. 23-0495.

⁴ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).