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

S.H., Appellant	) )
and	) Docket No. 23-1121 ) Issued: September 28, 2023
U.S. POSTAL SERVICE, ARCATA POST OFFICE, Arcata, CA, 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 VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On August 25, 2023 appellant filed an appeal from a January 3, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-1121.

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.<sup>1</sup> 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.<sup>2</sup>

The 180<sup>th</sup> day following the January 3, 2023 decision was July 2, 2023. As appellant did not file an appeal with the Board until August 25, 2023, more than 180 days after the January 3, 2023 OWCP decision, the Board finds that the appeal docketed as No. 23-1121 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained her failure to

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> 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."

timely file an appeal with supporting documentation sufficient to establish compelling circumstances. 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. 23-1121, must be dismissed.<sup>3</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 23-1121 is dismissed.

Issued: September 28, 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

<sup>&</sup>lt;sup>3</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).