United States Department of Labor Employees' Compensation Appeals Board

M.I., Appellant and DEPARTMENT OF THE NAVY, NAVAL AIR WARFARE CENTER WEAPONS DIVISION, China Lake, CA, Employer		Docket No. 23-1178 Issued: September 28, 2023
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 September 18, 2023 appellant filed an appeal from a February 28, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-1178.

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 180th day following the February 28, 2023 decision was August 27, 2023. As appellant did not file an appeal with the Board until September 18, 2023, more than 180 days after the February 28, 2023 OWCP decision, the Board finds that the appeal docketed as No.

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."

23-1178 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his failure to 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. 23-1178, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-1178 is dismissed.

Issued: September 28, 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 Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Id.* at § 501.6(d).