United States Department of Labor Employees' Compensation Appeals Board

J.W., Appellant	
and	
U.S. POSTAL SERVICE, POST OFFICE, Detroit, MI, Employer	

Docket No. 23-1189 Issued: September 28, 2023

Case Submitted on the Record

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

ORDER DISMISSING APPEAL

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<u>Before:</u> ALEC J. KOROMILAS, Chief Judge VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On September 22, 2023 appellant filed an appeal from a January 24, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-1189.

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 January 24, 2023 decision was July 23, 2023. As appellant did not file an appeal with the Board until September 22, 2023, more than 180 days after the January 24, 2023 OWCP decision, the Board finds that the appeal docketed as No. 23-1189 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not

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."

explained her 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. 23-1189, must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-1189 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

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).