

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

S.P., Appellant)	
)	
and)	Docket Nos. 24-0273 & 22-1070
)	Issued: April 26, 2024
U.S. POSTAL SERVICE, MAIN OFFICE)	
LITTLE ROCK POST OFFICE, Little Rock, AR,)	
Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 24-0273
AND DISMISSING PETITION FOR RECONSIDERATION IN
DOCKET NO. 22-1070**

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On January 25, 2024 appellant sought an appeal from a purported December 7, 2023 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0273.

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 This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal.² The December 7, 2023 decision was a Board decision assigned Docket No. 22-1070.³ As there is no final adverse decision issued by OWCP within 180 days of

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."

³ Docket No. 22-1070 (issued December 7, 2023).

the filing of this appeal over which the Board may properly exercise jurisdiction,⁴ the Board concludes that the appeal docketed as No. 24-0273 must be dismissed.

To the extent that appellant's January 25, 2024 appeal may be construed as a petition for reconsideration of the Board's December 7, 2023 decision in Docket No. 22-1070, the Board notes that its decision became final 30 days after its issuance.⁵ As appellant did not file his disagreement with the Board's December 7, 2023 decision until January 25 2024, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁶ Thus, the petition for reconsideration of the December 7, 2023 Board decision in Docket No. 22-1070 must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0273 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 22-1070 is dismissed as untimely filed.⁷

Issued: April 26, 2024
Washington, DC

Patricia H. Fitzgerald, Deputy 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

⁴ *Supra* note 2.

⁵ 20 C.F.R. § 501.6(d).

⁶ *See id.* at § 501.7(a).

⁷ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Supra* note 5.