

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

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<b>H.W., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 23-0263</b>
	)	<b>Issued: February 27, 2024</b>
<b>DEPARTMENT OF THE AIR FORCE,</b>	)	
<b>VANDENBERG AIR FORCE BASE, CA,</b>	)	
<b>Employer</b>	)	
_____	)	

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On December 17, 2022 appellant sought an appeal from a purported final adverse November 14, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0263.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act.<sup>1</sup> This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal.<sup>2</sup> 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.<sup>3</sup> The November 14, 2022 decision was not a final adverse decision as it vacated a

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

<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."

<sup>3</sup> *Id.*

September 19, 2022 suspension decision.<sup>4</sup> Consequently, 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. 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. 23-0263 must be dismissed.<sup>5</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 23-0263 is dismissed.

Issued: February 27, 2024  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>4</sup> *Id.* at § 501.2(c)(2).

<sup>5</sup> 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).