

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

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| <b>E.R., Appellant</b>                         | ) |                                 |
|  | ) |                                 |
| <b>and</b>                                     | ) | <b>Docket No. 24-0009</b>       |
|  | ) | <b>Issued: February 6, 2024</b> |
| <b>U.S. POSTAL SERVICE, JACKSONVILLE</b>       | ) |                                 |
| <b>POST OFFICE, Jacksonville, FL, Employer</b> | ) |                                 |
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*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 October 3, 2023 appellant sought an appeal from a purported September 26, 2023 final adverse decision of the Office of Workers' Compensation Programs (OWCP).

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</sup> This jurisdiction encompasses any final 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 over which the Board may properly exercise jurisdiction.

There is no document of record dated September 26, 2023. However, there is a development letter dated September 1, 2023 and a second development letter dated September 28, 2023. The September 28, 2023 development letter reminded appellant that he had

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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> *Id.* at § 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."

been afforded 60 days from the September 1, 2023 development letter to submit additional factual and medical evidence in support of his August 28, 2023 occupational disease claim (Form CA-2).

Section 501.2 (c)(2) of the Board's *Rules of Procedure* provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case."<sup>3</sup> OWCP has not issued a final adverse decision with regard to appellant's August 28, 2023 claim for occupational disease. Consequently, the case record as transmitted to the Board does not contain a final adverse decision by 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 No. 24-0009 must be dismissed.<sup>4</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 24-0009 is dismissed.<sup>5</sup>

Issued: February 6, 2024  
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

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<sup>3</sup> *Id.* at § 501.2(c)(2).

<sup>4</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).

<sup>5</sup> In light of the Board's disposition of this matter, appellant's request for oral argument is denied.