

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

A.L., Appellant)	
)	
and)	Docket No. 23-0917
)	Issued: January 29, 2024
U.S. POSTAL SERVICE, WAKEFIELD POST)	
OFFICE, Wakefield, RI, Employer)	
)	

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 June 13, 2023 appellant sought an appeal from a purported May 5, 2023 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0917.

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.¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal.² On May 5, 2023 OWCP issued a notice of proposed reduction of appellant's wage-loss compensation benefits. The May 5, 2023 notice did not constitute a final adverse decision. It had not issued a final decision regarding the reduction of wage-loss compensation benefits as of June 13, 2023, the date appellant filed her appeal. 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."³

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 *Id.* at § 501.2(c)(2).

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.⁴ 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. 23-0917 must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 23-0917 is dismissed.

Issued: January 29, 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

⁴ *Id.* See also *Order Dismissing Appeal, M.M.*, Docket No. 22-0997 (issued February 7, 2023).

⁵ 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).