

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

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**J.S., Appellant**

**and**

**DEPARTMENT OF THE NAVY, NAVAL  
DISTRICT OF WASHINGTON OPERATIONS  
DEPARTMENT, Washington, DC, Employer**

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**Docket Nos. 24-0354 &  
22-0386  
Issued: March 1, 2024**

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL IN DOCKET NO. 24-0354 AND  
DISMISSING PETITION FOR RECONSIDERATION  
IN DOCKET NO. 22-0386**

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On February 8, 2024, appellant filed an appeal from a purported October 19, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0354.

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.<sup>1</sup> 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.<sup>2</sup> The October 19, 2022 decision being appealed was a Board decision assigned Docket No. 22-0386, which affirmed an October 1, 2021 OWCP decision.<sup>3</sup> There is, therefore, no final adverse decision issued by OWCP within 180 days of the filing of this appeal.

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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> Docket No. 22-0386 (issued October 19, 2022).

As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal<sup>4</sup> over which the Board may properly exercise jurisdiction, the Board finds that the appeal docketed as No. 24-0354 must be dismissed.

To the extent that appellant's February 8, 2024 appeal may be construed as a timely petition for reconsideration of the Board's October 19, 2022 decision under Docket No. 22-0386, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.<sup>5</sup> As appellant did not file his disagreement with the Board's October 19, 2022 decision until February 8, 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.<sup>6</sup> Thus, the petition for reconsideration of the October 19, 2022 Board decision in Docket No. 22-0386 must be dismissed as untimely filed. Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 24-0354 is dismissed.

**IT IS FURTHER ORDERED THAT** the petition for reconsideration in Docket No. 22-0386 is dismissed as untimely filed.<sup>7</sup>

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> 20 C.F.R. § 501.6(d).

<sup>6</sup> *See id.* at § 501.7(a).

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

Issued: March 1, 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