United States Department of Labor Employees' Compensation Appeals Board

D.B., Appellant))) Docket No. 24-0407) Issued: March 28, 2024
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, Milwaukee, WI, 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 March 7, 2024, appellant filed an appeal from an April 23, 2019 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0407.

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 (FECA).² For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's

¹ The Board notes that appellant also appealed from a purported January 9, 2017 decision of OWCP. However, the only January 9, 2017 decision of record was issued by this Board under Docket No. 16-1405. *See* Docket No. 16-1405 (issued January 9, 2017). By order dated November 1, 2017, the Board dismissed appellant's untimely petition for reconsideration of the Board's January 9, 2017 decision. *See Order Dismissing Petition for Reconsideration*, Docket No. 16-1405 (issued November 1, 2017). The Board's January 9, 2017 decision, therefore, became final on February 8, 2017, within 30 days of its issuance, and is not subject to further review. *See* 20 C.F.R. § 501.6(d), which provides in pertinent part: "The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."

² 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.³

The 180th day following the April 23, 2019 decision was October 20, 2019. As appellant did not file an appeal with the Board until March 7, 2024, more than 180 days after the April 23, 2019 OWCP decision, the Board finds that the appeal docketed as No. 24-0407 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained her failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. Because there is no final adverse decision issued by OWCP within 180 days of the filing of the instant appeal, the Board concludes that the appeal docketed as No. 24-0407 must be dismissed.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0407 is dismissed.

Issued: March 28, 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

³ 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."