

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

M.M., Appellant

and

**DEPARTMENT OF THE AIR FORCE,
LACKLAND AIR FORCE BASE, TX, Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 24-0412
Issued: March 22, 2024**

Appearances:

*Lorenzo W. Tijerina, Esq., for the appellant
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 8, 2024, appellant filed an appeal from a June 7, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0412.

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.¹ 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.²

The 180th day following the June 7, 2023 decision was December 4, 2023. As appellant did not file an appeal with the Board until March 8, 2024, more than 180 days after the June 7, 2023 OWCP decision, the Board finds that the appeal docketed as No. 24-0412 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his 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

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).

filing of the instant appeal, the Board concludes that the appeal docketed as No. 24-0412 must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0412 is dismissed.

Issued: March 22, 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 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).