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

A.S., Appellant	)	
and	)	Docket No. 25-0257 Issued: April 21, 2025
U.S. POSTAL SERVICE, CITY COLLEGES OF	)	155 <b>ucu.</b> 11 <b>p</b> 111 21, 2020
CHICAGO POST OFFICE, CHICAGO, IL,	)	
Employer	)	
Appearances:		Case Submitted on the Record
Appellant, pro se		
Office of Solicitor, for the Director		

## ORDER DISMISSING APPEAL

## Before: ALEC J. KOROMILAS, Chief Judge CIA H. FITZGERALD, Deputy Chief Judge

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On May 6, 2024, appellant filed a timely appeal from a November 7, 2023 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0257.

The Board, having duly considered this matter, notes that the Board and OWCP may not simultaneously exercise jurisdiction over the same issue(s) in a case on appeal. By the November 7, 2023 nonmerit decision, OWCP denied appellant's September 22, 2023 request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error. However, on October 24, 2022, appellant had timely filed a petition for reconsideration of the Board's September 21, 2022 decision regarding the same underlying merit issue. As the same

<sup>&</sup>lt;sup>1</sup> 20 C.F.R. §§ 501.2(c)(3), 10.626; *Arlonia B. Taylor*, 44 ECAB 591 (1993) (Groom, Alternate Member, concurring in part, dissenting in part); *Douglas E. Billings*, 41 ECAB 880 (1990). *See also Order Dismissing Appeal*, *S.C.*, Docket No. 25-0123 (issued December 6, 2024); *Order Dismissing Appeal*, *S.W.*, Docket No. 23-0923 (issued October 17, 2024); *Order Dismissing Appeal*, *M.B.*, Docket No. 23-0750 (issued July 20, 2023); *Order Dismissing Appeal*, *A.J.*, Docket No. 22-1336 (issued May 15, 2023); *Order Dismissing Appeal*, *M.H.*, Docket No. 22-0880 (issued November 4, 2022).

<sup>&</sup>lt;sup>2</sup> Docket No. 20-1068 (issued September 21, 2022).

underlying issue of whether appellant had established an increased schedule award to her right and left upper extremity impairments, for which she previously received schedule award compensation was pending before the Board in Docket No. 20-1068 when OWCP issued its November 7, 2023 decision, OWCP's November 7, 2023 decision is null and void.<sup>3</sup>

As OWCP's November 7, 2023 decision is null and void, there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction. The Board, therefore, concludes that the appeal docketed as No. 25-0257 must be dismissed. Accordingly,

## IT IS HEREBY ORDERED THAT Docket No. 25-0257 is dismissed.

Issued: April 21, 2025 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>3</sup> Supra note 1; see also S.M., Docket No. 22-1151 (issued August 15, 2024); G.W., Docket No. 19-0260 (issued July 10, 2020); Cathy B. Millin, 51 ECAB 331 (2000).