United States Department of Labor Employees' Compensation Appeals Board

M.L., Executor of the Estate of E.L., Appellant)
and) Docket No. 25-0344) Issued: April 1, 2025
U.S. POSTAL SERVICE, MOSS POINT BRANCH POST OFFICE, Moss Point, MS,)
Employer)
Appearances: Appellant, pro se	Case Submitted on the Record

Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On February 26, 2025 appellant filed a timely appeal from a November 21, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0344.

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. 1 By the November 21, 2024 decision, OWCP denied appellant's claim for survivor's benefits. However, on July 16, 2024, appellant had filed a petition for reconsideration of the Board's June 28, 2024 decision, under Docket No. 23-1193, regarding the same underlying merit issue.² As the same underlying issue of whether appellant had established entitlement to survivor's benefits was

¹ 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, D.P., Docket No. 24-0875 (issued November 22, 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).

² See Order Denying Petition for Reconsideration, Docket No. 23-1193 (issued March 18, 2025).

pending before the Board in Docket No. 23-1193 when OWCP issued its November 21, 2024 decision, the Board concludes that OWCP's November 21, 2024 decision is null and void.³

As OWCP's November 21,2024 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. 25-0344 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT Docket No. 25-0344 is dismissed.

Issued: April 1, 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

³ Supra note 1.