

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

P.D., Appellant)	
)	
)	
and)	Docket No. 25-0639
U.S. POSTAL SERVICE, LAKE ORION POST OFFICE, Lake Orion, MI, Employer)	Issued: August 4, 2025
)	
)	

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 3, 2025 appellant, through counsel, sought an appeal from an August 22, 2024 merit decision and a purported final adverse May 14, 2025 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0639.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).² This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal.³

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

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

³ 20 C.F.R. § 501.3(e), which provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

Regarding appellant's appeal of OWCP's August 22, 2024 decision, the Board notes that it has already issued a decision regarding this appeal on October 15, 2024 in Docket No. 24-0923.⁴ The Board concludes that the appeal from OWCP's August 22, 2024 decision was addressed in the Board's October 15, 2024 decision, which became final as of November 14, 2024.⁵

Regarding appellant's appeal of the purported May 14, 2025 OWCP decision, the Board notes that the record contains a letter of the same date in response to appellant's April 17, 2025 request for reconsideration of the Board's October 15, 2024 overpayment decision. The May 14, 2025 letter explained that FECA's implementing regulation at 20 C.F.R. § 10.440(b) precluded appellant from exercising the option of reconsideration under 5 U.S.C. § 8128(a) as the only review of a final decision concerning an overpayment is to the Board.⁶ As the May 14, 2025 letter is informational in nature, it does not constitute a final adverse decision.

The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal. As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 25-0639 must be dismissed.⁷ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0639 is dismissed.

⁴ Docket No. 24-0923 (issued October 15, 2024).

⁵ The Board's decisions and orders are final upon the expiration of 30 days from the date of their issuance. 20 C.F.R. § 501.6(d).

⁶ 20 C.F.R. § 10.440(b).

⁷ See *supra* note 5.

Issued: August 4, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board