United States Department of Labor Employees' Compensation Appeals Board

D.W., Appellant)	
u.s. Postal service, Beverly Hills)	Docket Nos. 25-0485 & 22-1050 Issued: May 8, 2025
POST OFFICE, Dallas, TX, Employer	.)	
Appearances: Appellant, pro se Office of Solicitor, for the Director		Case Submitted on the Record

ORDER DISMISSING APPEAL IN DOCKET NO. 25-0485 AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 22-1050

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On April 15, 2025 appellant sought an appeal from a purported September 12, 2023 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0485.

The Board has duly considered the matter and notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA). This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal. The Board notes that the record contains a September 12, 2023 Board decision issued under Docket No. 22-1050. As there is no final adverse decision issued by

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) 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."

³ Docket No. 22-1050 (issued September 12, 2023).

OWCP within 180 days of the filing of this appeal over which the Board may properly exercise jurisdiction, the Board concludes that the appeal assigned Docket No. 25-0485 must be dismissed.

To the extent that appellant's April 15, 2025 appeal may be construed as a petition for reconsideration of the Board's September 12, 2023 decision under Docket No. 22-1050, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁵ As appellant did not file his disagreement with the Board's September 12, 2023 decision until April 15, 2025, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.⁶ Thus, the petition for reconsideration of the Board decision in Docket No. 22-1050 must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0485 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 22-1050 is dismissed as untimely filed.⁷

Issued: May 8, 2025 Washington, DC

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

Janice B. Askin, Judge Employees' Compensation Appeals Board

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

⁴ Supra note 2.

⁵ 20 C.F.R. § 501.6(d).

⁶ See id. at § 501.7(a).

⁷ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." *Supra* note 5.