

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

M.W., Appellant)
and)
U.S. POSTAL SERVICE, MORGAN)
PROCESSING & DISTRIBUTION CENTER)
New York, NY, Employer)
)
)

Docket No. 25-0731
Issued: September 17, 2025

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 24, 2025 appellant filed an appeal from a December 30, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ (RD 12/30/24) The Clerk of the Appellate Boards docketed the appeal as No. 25-0731.

The Board has duly considered this matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's

¹ The Board notes that, following the issuance of the December 30, 2024 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal. 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

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

review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.³

The 180th day following the December 30, 2024 decision was June 28, 2025. As this fell on a Saturday, appellant had until the next business day, Monday, June 30, 2025, to file the appeal.⁴ As appellant did not file an appeal with the Board until July 24, 2025, more than 180 days after the December 30, 2024 OWCP decision, the Board finds that the appeal docketed as No. 25-0731 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained her 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 filing of the instant appeal, the Board concludes that the appeal docketed as No. 25-0731 must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0731 is dismissed.

Issued: September 17, 2025
Washington, DC

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

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

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

³ 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." 20 C.F.R. § 501.3(f) indicates that a notice of appeal is considered to have been filed only if received by the Clerk of the Appellate Boards.

⁴ 20 C.F.R. §§ 501.3(f)(3).

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).