

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

J.B., Appellant

and

**U.S. POSTAL SERVICE, FORT POINT POST
OFFICE, Boston, MA, Employer**

Docket No. 25-0819

Issued: September 17, 2025

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

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 17, 2025 appellant filed a timely appeal from a July 10, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 25-0819.

The Board, having duly considered this matter, notes that the Board and OWCP may not simultaneously exercise jurisdiction over the same issue in a case on appeal.¹ By the July 10, 2025 decision, OWCP denied appellant's request for an oral hearing from a March 17, 2025 merit decision as untimely filed. However, on June 25, 2025, appellant had filed an appeal with the Board from the March 17, 2025 OWCP merit decision, regarding the same underlying merit issue as the July 10, 2025 hearing denial. The Clerk of the Appellate Boards docketed that appeal as No. 25-0753. As the underlying merit issue was pending before the Board in Docket No. 25-0753

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, 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).

when OWCP issued its July 10, 2025 hearing denial, OWCP's July 10, 2025 decision is null and void.²

As OWCP's July 10, 2025 decision is null and void, there is no final adverse decision issued by OWCP in Docket No. 25-0819 over which the Board may properly exercise jurisdiction. The Board, therefore, concludes that the appeal docketed as No. 25-0819 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0819 is dismissed.

Issued: September 17, 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

² *Id.*; see also *G.W.*, Docket No. 19-0260 (issued July 10, 2020); *Cathy B. Millin*, 51 ECAB 331 (2000).