

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

---

<b>B.K., Appellant</b>	)	
	)	Docket Nos. 26-0109 &
<b>and</b>	)	23-0578
	)	Issued: January 12, 2026
<b>DEPARTMENT OF VETERANS AFFAIRS,</b>	)	
<b>SAINT CLOUD VA MEDICAL CENTER,</b>	)	
<b>Saint Cloud, MN, Employer</b>	)	
	)	

---

*Appearances:*

*Melford Von McCormick., J.D., for the appellant<sup>1</sup>*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL IN DOCKET NO. 26-0109 AND  
DISMISSING PETITION FOR RECONSIDERATION IN  
DOCKET NO. 23-0578**

Before:

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

On September 30, 2025 appellant, through his representative, filed an appeal from an April 10, 2023 nonmerit decision and from a purported May 2, 2023 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0109.

The Board, having duly considered this matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees'

---

<sup>1</sup> 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.

Compensation Act (FECA).<sup>2</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board’s review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP’s decision.<sup>3</sup>

The 180<sup>th</sup> day following the April 10, 2023 decision was October 7, 2023. As appellant did not file an appeal with the Board until September 30, 2025, more than 180 days after the April 10, 2023 OWCP decision, the Board finds that the appeal docketed as No. 26-0109 is untimely filed.<sup>4</sup> The Board is without jurisdiction to review the appeal. Appellant has not explained the 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. 26-0109, must be dismissed.<sup>5</sup>

The Board notes that the purported May 2, 2023 decision of OWCP is actually an order of the Board, dismissing his February 2, 2023 appeal under Docket No. 23-0578 as untimely filed.<sup>6</sup> To the extent that appellant’s September 30, 2025 appeal may be construed as a petition for reconsideration of the Board’s May 2, 2023 order under Docket No. 23-0578, the Board notes that its order became final upon the expiration of 30 days from the date of issuance.<sup>7</sup> As appellant did not file his disagreement with the Board’s May 2, 2023 order until September 30, 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.<sup>8</sup> Thus, the petition for reconsideration of the May 2, 2023 Board order in Docket No. 23-0578 must be dismissed as untimely filed. Accordingly,

---

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

<sup>3</sup> 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.”

<sup>4</sup> 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.

<sup>5</sup> 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).

<sup>6</sup> *Order Dismissing Appeal*, Docket No. 23-0578 (issued May 2, 2023).

<sup>7</sup> 20 C.F.R. § 501.6(d).

<sup>8</sup> 20 C.F.R. § 501.7(a).

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 26-0109 is dismissed as untimely filed.

**IT IS FURTHER ORDERED THAT** the petition for reconsideration under Docket No. 23-0578 is dismissed as untimely filed.

Issued: January 12, 2026  
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