United States Department of Labor
Employees' Compensation Appeals Board

A.C., Appellant	)	
and	)	**Docket No. 26-0790**
	)	**Issued: September 28, 2026**
DEPARTMENT OF THE ARMY, U.S. ARMY INSTALLATION MANAGEMENT COMMAND DIRECTORATE OF PUBLIC WORKS, West Point, NY, Employer	)	

Appearances:
Paul Kalker, Esq., for the appellant[1]
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 August 19, 2026 appellant, through counsel, filed an appeal from an August 2, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0790.

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' Compensation Act.[2] For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's

[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).

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 August 2, 2022 decision was January 29, 2023. As appellant did not file an appeal with the Board until August 19, 2026, more than 180 days after the August 2, 2022 OWCP decision, the Board finds that the appeal docketed as No. 26-0790 is untimely filed.[4] 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. 26-0790 must be dismissed.[5] Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 26-0790 is dismissed.

Issued: September 28, 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

[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."

[4] 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.

[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).