United States Department of Labor Employees' Compensation Appeals Board

A.H., Appellant and DEPARTMENT OF AGRICULTURE, AGRICULTURE MARKETING SERVICE; POLITION OF A DIVISION AND ALL TOWN)))) Docket No. 22-0583) Issued: December 7, 2022)
POULTRY GRADING BRANCH, Austin, TX, Employer)))
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

On March 1, 2022 appellant sought an appeal from a purported February 15, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0583.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act. This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal. By correspondence dated February 15, 2022, OWCP informed appellant of its intent to terminate his wage-loss compensation and entitlement to a schedule award effective that date as he refused an offer of suitable work, pursuant to 5 U.S.C. § 8106(c)(2). It determined that appellant's failure to report to the offered position was not justified as he had not submitted evidence that the position was beyond his abilities. This correspondence, however, was

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."

informational in nature and did not include appeal rights.³ Thus, the case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal⁴ and, therefore, there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction. As such, the Board concludes that the appeal docketed as No. 22-0583 must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0583 is dismissed.

Issued: December 7, 2022 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

³ Federal (FECA) Procedure Manual, Part 2-- Claims, *Disallowances*, Chapter 2.1400.3f (September 2020).

⁴ See supra note 2.

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).