United States Department of Labor Employees' Compensation Appeals Board

D.M., Appellant)
and) Docket No. 22-0910
) Issued: December 6, 2022
U.S. POSTAL SERVICE, LUBBOCK POST)
OFFICE, Lubbock, TX, Employer)
	_)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

ORDER DISMISSING APPEAL

Before:

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

On May 9, 2022 appellant sought an appeal from a March 15, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0910.

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 her appeal. 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 appeal. OWCP issued a March 15, 2022 decision terminating appellant's wage-loss compensation benefits and entitlement to schedule award benefits, effective March 15, 2022 for refusal of suitable work, pursuant to 5 U.S.C. § 8106(c)(2). However, by memorandum of file received into the record on April 20, 2022 it determined that the March 15, 2022 termination

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

² *Id.* at § 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."

 $^{^3}$ *Id*.

decision was void as it was issued in error.⁴ The case record reflects that OWCP thereafter reinstated appellant's wage-loss compensation on April 12, 2022 retroactive to the date of termination. As OWCP voided the May 15, 2022 decision on its own motion prior to the filing of this appeal, the appeal assigned Docket No. 22-0910 does not contain a final adverse decision over which the Board may properly take jurisdiction.⁵ As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as Docket No. 22-0910 must be dismissed.⁶ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as Docket No. 22-0910 is dismissed.

Issued: December 6, 2022 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

⁴ OWCP indicated that the March 15, 2022 decision was not cosigned by a supervisor, as required by its procedures.

⁵ See M.H., Docket No. 22-0880 (issued November 4, 2022).

⁶ 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).