

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

R.N., Appellant)	
)	
and)	Docket Nos. 23-0015 & 21-0573
)	Issued: December 27, 2022
DEPARTMENT OF HOMELAND SECURITY,)	
U.S. CUSTOMS AND BORDER PROTECTION,)	
Miami, FL, Employer)	
)	

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

Case Submitted on the Record

**ORDER DISMISSING APPEAL IN DOCKET NO. 23-0015 AND
DISMISSING PETITION FOR RECONSIDERATION
IN DOCKET NO. 21-0573**

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On October 6, 2022 appellant sought an appeal from a purported April 14, 2022 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0015.

The Board has duly considered the matter and notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA).¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.² As of the filing of the current appeal, the most recent OWCP decision was dated February 16, 2021. However, by an April 14, 2022 decision in Docket No. 21-0573, the Board affirmed OWCP's February 16, 2021 decision.³ As there is no final adverse

¹ 5 U.S.C. § 8149; 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."

³ Docket No. 21-0573 (issued April 14, 2022).

decision issued by OWCP within 180 days of the filing of this appeal,⁴ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal assigned Docket No. 23-0015 must be dismissed.

To the extent that this appeal may be construed as a timely petition for reconsideration of the Board's April 14, 2022 decision in Docket No. 21-0573, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.⁵ As appellant did not file his disagreement with the Board's April 14, 2022 decision until October 6, 2022, 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.⁶ Thus, the petition for reconsideration of the April 14, 2022 Board decision in Docket No. 21-0573 must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0015 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 21-0573 is dismissed as untimely filed.

Issued: December 27, 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

⁴ *Supra* note 2.

⁵ 20 C.F.R. § 501.6(d).

⁶ *See id.* at § 501.7(a).