

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

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S.C., Appellant )

and )

DEPARTMENT OF VETERANS AFFAIRS, )  
DURHAM VA MEDICAL CENTER, )  
Durham, NC, Employer )

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**Docket No. 22-1037  
Issued: July 29, 2022**

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On June 27, 2022 appellant filed an appeal from a September 21, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-1037.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</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>2</sup>

The 180<sup>th</sup> day following the September 21, 2021 decision was March 20, 2022. As appellant did not file an appeal with the Board until June 27, 2022, more than 180 days after the September 21, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-1037 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered

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<sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>2</sup> *Id.* at § 501.3(e).

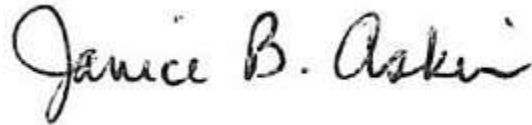
a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. Because there is no final adverse decision issued by OWCP within 180 days of the filing of the instant appeal, the Board concludes that the appeal docketed as No. 22-1037, must be dismissed.<sup>3</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 22-1037 is dismissed.

Issued: July 29, 2022  
Washington, DC



Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board



Janice B. Askin, Judge  
Employees' Compensation Appeals Board



Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</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).