

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

V.A., Appellant	)	
	)	
and	)	<b>Docket No. 23-0664</b>
	)	<b>Issued: August 8, 2023</b>
<b>U.S. POSTAL SERVICE, PROCESSING &amp; DISTRIBUTION CENTER, Houston, TX,</b>	)	
<b>Employer</b>	)	
	)	

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

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

On April 4, 2023 appellant sought an appeal from a purported February 6, 2023 final adverse decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0664.

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.<sup>1</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed her appeal.<sup>2</sup> 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 over which the Board may properly exercise jurisdiction. The February 6, 2023 preliminary overpayment determination that appellant was overpaid compensation benefits for the period December 17, 2018 through October 30, 2020 in the amount of \$4,082.08 due to receipt of compensation at the augmented rate, to which she was not entitled, is not a final decision. Section

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

<sup>2</sup> 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."

501.2 (c)(2) of the Board’s *Rules of Procedure* provides: “There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case.”<sup>3</sup> As OWCP had not issued a final overpayment decision, the case record as transmitted to the Board does not contain a final adverse decision by OWCP issued within 180 days from the date of docketing of the current appeal. 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. 23-0664 must be dismissed.<sup>4</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as Docket No. 23-0664 is dismissed.

Issued: August 8, 2023  
Washington, DC

Janice B. Askin, Judge  
Employees’ Compensation Appeals Board

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

James D. McGinley, Alternate Judge  
Employees’ Compensation Appeals Board

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<sup>3</sup> *Id.* at § 501.2(c)(2).

<sup>4</sup> The Board’s decisions and orders are “final upon the expiration of 30 days from the date of their issuance.” *Id.* at § 501.6(d).