

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

D.P., Appellant)

and)

U.S. POSTAL SERVICE, MOORESVILLE POST)
OFFICE, NORTHLAKE STATION,)
 Mooresville, NC, Employer)
_____)

**Docket No. 24-0688
Issued: August 28, 2024**

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

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On June 14, 2024 appellant sought an appeal from a purported final adverse May 14, 2024 decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0688.

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.² This jurisdiction encompasses any final decision issued by OWCP within 180 days prior to the date appellant filed her appeal.³ On May 14, 2024 OWCP proposed to terminate appellant's

¹ The Board notes that, following the June 14, 2024 Board appeal, OWCP issued a June 21, 2024 final decision. As this final decision was not issued at the time of the appeal to the Board, 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." 20 C.F.R. § 501.2(c)(2). Thus, the Board is precluded from reviewing this decision on appeal. *Id.*

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

³ *Id.* at § 501.3(e), which provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

wage-loss compensation and medical benefits due to her accepted April 30, 2018 employment injury. However, the May 14, 2024 proposed termination was not a final adverse decision.

Section 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."⁴ Consequently, the case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days prior to 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 No. 24-0688 must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0688 is dismissed.

Issued: August 28, 2024
Washington, DC

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

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

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

⁴ *Id.* at § 501.2(c)(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).