

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

_____)
S.C., Appellant)

and)

DEPARTMENT OF HOUSING AND URBAN)
DEVELOPMENT, OFFICE OF FIELD POLICY)
AND MANAGEMENT, REGION III,)
Philadelphia, PA, Employer)
_____)

**Docket No. 25-0123
Issued: December 6, 2024**

Appearances:
Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

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

On November 19, 2024 appellant, through counsel, filed a timely appeal from a November 6, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0123.

The Board, having duly considered this matter, notes that the Board and OWCP may not simultaneously exercise jurisdiction over the same issue(s) in a case on appeal.² By the November 6, 2024 decision, OWCP denied modification of an August 26, 2024 merit decision finding that appellant had not established causal relationship between his accepted employment incident and his diagnosed medical condition. However, on September 10, 2024, appellant had

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 20 C.F.R. §§ 501.2(c)(3), 10.626; *Douglas E. Billings*, 41 ECAB 880 (1990). See also *Order Dismissing Appeal, S.W.*, Docket No. 23-0923 (issued October 17, 2024); *Order Dismissing Appeal, M.B.*, Docket No. 23-0750 (issued July 20, 2023); *Order Dismissing Appeal, A.J.*, Docket No. 22-1336 (issued May 15, 2023); *Order Dismissing Appeal, M.H.*, Docket No. 22-0880 (issued November 4, 2022).

filed an appeal with the Board from the August 26, 2024 decision, regarding the same underlying merit issue, to which the Clerk of the Appellate Boards assigned Docket No. 24-0911. As the same underlying issue of whether appellant had established a causal relationship between his diagnosed medical condition and his accepted employment incident was pending before the Board in Docket No. 24-0911 when OWCP issued its November 6, 2024 decision, OWCP's November 6, 2024 decision is null and void.³

As OWCP's November 6, 2024 decision is null and void, there is no final adverse decision appealed by counsel over which the Board may properly exercise jurisdiction. The Board, therefore, concludes that the appeal docketed as No. 25-0123 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT Docket No. 25-0123 is dismissed.

Issued: December 6, 2024
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

³ *Id.*; see also *G.W.*, Docket No. 19-0260 (issued July 10, 2020); *Cathy B. Millin*, 51 ECAB 331 (2000).