

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

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Y.D., Appellant

and

DEPARTMENT OF VETERANS AFFAIRS,  
JESSE BROWN VA MEDICAL CENTER,  
Chicago, IL, Employer

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**Docket No. 24-0632  
Issued: July 12, 2024**

*Appearances:*  
Alan J. Shapiro, Esq., for the appellant<sup>1</sup>  
Office of Solicitor, for the Director

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
JAMES D. MCGINLEY, Alternate Judge

On May 24, 2024 appellant, through counsel, sought an appeal from a January 16, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0632.

The Board, having duly considered this matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act<sup>2</sup>. This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal.<sup>3</sup> The January 16, 2024 decision is an acceptance of the claim.

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<sup>1</sup> 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.

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

<sup>3</sup> *Id.* at § 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 OWCP.

Therefore, it is not adverse to appellant and is not subject to appeal.<sup>4</sup> 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. 24-0632, must be dismissed.<sup>5</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 24-0632 is dismissed.

Issued: July 12, 2024  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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

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<sup>4</sup> *Id.* at § 501.3(a).

<sup>5</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).