

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

K.H., Appellant)	
)	
and)	Docket No. 23-1162
)	Issued: May 21, 2024
U.S. POSTAL SERVICE, JACKSONVILLE)	
POST OFFICE, Jacksonville, FL, Employer)	
)	

Appearances:
Appellant, pro se
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
VALERIE D. EVANS-HARRELL, Alternate Judge

On September 12, 2023 appellant filed an appeal from a March 15, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-1162.

The Board, having duly considered this matter, notes that it has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).¹ 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.²

The 180th day following the March 15, 2023 decision was September 11, 2023. As appellant did not file an appeal with the Board until September 12, 2023, more than 180 days after the March 15, 2023 OWCP decision, the Board finds that the appeal docketed as No. 23-1162 is untimely filed. The Board is without jurisdiction to review the appeal.

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

² 20 C.F.R. § 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 the OWCP."

Appellant has not explained her 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. 23-1162 must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-1162 is dismissed.

Issued: May 21, 2024
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

³ 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).