United States Department of Labor Employees' Compensation Appeals Board

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G.K., Appellant)	
and)	Docket No. 24-0313 Issued: May 8, 2024
DEPARTMENT OF THE NAVY, MARINE CORPS AIR GROUND COMBAT CENTER,))	
Twentynine Palms, CA, Employer) _)	
Appearances: Stephanie Leet, Esq., for the appellant 1	C	Case Submitted on the Record

Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On February 6, 2024 appellant, through counsel, filed an appeal from a purported January 23, 2024 adverse decision of the Office of Workers' Compensation Programs (OWCP).² The Clerk of the Appellate Boards assigned Docket No. 24-0313.

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 The case record also contains a January 11, 2024 merit decision of OWCP's Branch of Hearings and Review, affirming an October 19, 2023 decision of OWCP finding that appellant refused an offer of temporary employment offered under Section 8106(c)(2) of the Federal Employees' Compensation Act (FECA), thus disentify him to any further compensation for wage-loss and/or schedule award benefits on or after October 19, 2023. As counsel did not appeal this decision, the Board will not consider it in this appeal. See 20 C.F.R. § 501.3; see also T.S., Docket No. 23-1127 (issued December 27, 2023); T.L., Docket No. 22-0881 (issued December 14, 2022); D.E., Docket No. 21-0531 (issued June 16, 2021).

The Board has duly considered this matter and notes that it has jurisdiction to review final adverse decisions of OWCP issued under FECA.³ This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed the appeal.⁴

Although there is a January 23, 2024 decision of OWCP of record, this decision deemed approved fees in the amount of \$1,425.00 for counsel's services in connection with appellant's claim. As such, the Board finds that the January 23, 2024 decision of OWCP was not adverse to appellant and, therefore, it is not subject to appeal.⁵ Thus, the Board concludes that the appeal docketed as No. 24-0313 must be dismissed.⁶ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0313 is dismissed.

Issued: May 8, 2024 Washington, DC

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

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

> Janice B. Askin, Judge Employees' Compensation Appeals Board

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

⁴ *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.

⁵ *Id.* at § 501.3(a).

⁶ 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).