

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

_____)
K.H., Appellant)

and)

U.S. POSTAL SERVICE, ALBANY POST)
OFFICE, Albany, NY, Employer)
_____)

Docket No. 24-0473
Issued: May 3, 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 April 2, 2024, appellant filed an appeal from an August 4, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0473.

The Board has duly considered the matter and notes that the Board 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 August 4, 2023, decision was January 31, 2024. As appellant did not file an appeal with the Board until April 2, 2024, more than 180 days after the August 4, 2023, OWCP decision, the Board finds that the appeal docketed as No. 24-0473 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his failure to timely file an appeal with supporting documentation sufficient to establish compelling

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): "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

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. 24-0473 must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0473 is dismissed.

Issued: May 3, 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

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).