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

J.V., Appellant	)
o.v., repenant	)
and	) Docket No. 25-0006 ) Issued: November 5, 2024
DEPARTMENT OF THE AIR FORCE, AIR	)
EDUCATION & TRAINING COMMAND,	)
LACKLAND AIR FORCE BASE, TX, Employer	)
	)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

ORDER DISMISSING APPEAL

## Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JAMES D. McGINLEY, Alternate Judge

On October 2, 2024 appellant filed an appeal from January 18, 2022 and February 8, 2024 merit decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0006.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act. 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.<sup>2</sup>

The 180th day following the January 18, 2022 decision was July 17, 2022, while the 180th day following the February 8, 2024 decision was August 6, 2024. As appellant did not file an appeal with the Board until October 2, 2024, more than 180 days after the January 18, 2022 and February 8, 2024 decisions, the Board finds that the appeal docketed as No. 25-0006 is untimely

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq; 20 C.F.R. § § 501.2(c) and 501.3.

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 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 the OWCP."

filed.<sup>3</sup> The Board is without jurisdiction to review the appeal. Appellant has not explained the 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. 25-0006 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0006 is dismissed.

Issued: November 5, 2024 Washington, DC

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

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

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

<sup>&</sup>lt;sup>3</sup> Pursuant to the Board's *Rules of Procedure*, an appeal is considered filed when received by the Clerk of the Appellate Boards. 20 C.F.R. § 501.3(e)-(f). However, when the date of receipt would result in a loss of appeal rights, the appeal will be considered to have been filed as of the date of the U.S. Postal Service postmark or other carriers date markings. *Id.* at § 501.3(f)(1). The Board notes that the date of the postmark of this appeal, September 28, 2024, is more than 180 days after the January 18, 2022 and February 8, 2024 decisions of OWCP.