United States Department of Labor Employees' Compensation Appeals Board

T.J., Appellant)
and)
U.S. POSTAL SERVICE, CITY OF INDUSTRY PROCESSING & DISTRIBUTION CENTER, City of Industry, CA, Employer))))))

Docket No. 25-0014 Issued: November 6, 2024

Case Submitted on the Record

Appearances: Appellant, pro se Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

<u>Before:</u> ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JAMES D. McGINLEY, Alternate Judge

On October 10, 2024 appellant filed an appeal from a July 20, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0014.

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.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 July 20, 2023 decision was January 16, 2024. As appellant did not file an appeal with the Board until October 10, 2024, more than 180 days after the July 20, 2023 OWCP decision, the Board finds that the appeal docketed as No. 25-0014 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained the failure to

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) 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."

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. 25-0014 must be dismissed.³ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 25-0014 is dismissed.

Issued: November 6, 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

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).