

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

M.S., Appellant)	
)	
and)	Docket No. 23-0890
)	Issued: October 30, 2024
U.S. POSTAL SERVICE, POST OFFICE)	
MEDICAL UNIT, Detroit, MI, Employer)	
)	

Appearances: *Case Submitted on the Record*
*Alan J. Shapiro, Esq., for the appellant*¹
Office of Solicitor, for the Director

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 19, 2023 appellant, through counsel, filed a timely appeal from a May 24, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 23-0890.

By decision dated August 8, 2022, the Board affirmed OWCP's January 7, 2022 decision, under Docket No. 22-0417, finding that appellant had not met her burden of proof to establish COVID-19 causally related to the accepted March 19, 2020 employment exposure. The Board explained that the medical evidence of record was insufficient to establish a diagnosis of COVID-19 in connection with the accepted employment-related exposure.²

Upon return of the case record to OWCP appellant requested reconsideration. By decisions dated September 21, 2022 and May 24, 2023, OWCP denied modification of its prior

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 Docket No. 22-0417 (issued August 8, 2022).

decisions, finding that the medical evidence of record was insufficient to establish a diagnosis of COVID-19 causally related to appellant's accepted March 19, 2020 employment exposure.

On October 24, 2024 the Board issued an order vacating prior decision and reinstating appeal under Docket No. 22-0417, finding that the August 8, 2022 Board decision was *void ab initio* and of no effect. The Board issued a new decision on October 24, 2024.

The Board, having duly considered the matter, finds that because the Board voided the prior August 8, 2022 decision under Docket No. 22-0417, the subsequent decisions issued by OWCP are null and void.³

Pursuant to 5 U.S.C. § 8149 and 20 C.F.R. §§ 501.2(c) and 501.3(a), the Board's jurisdiction is limited to the review of final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.⁴ As the August 8, 2022 Board decision is *void ab initio*, OWCP's subsequent decisions dated September 21, 2022 and May 24, 2023 are null and void.⁵ There is no final adverse decision over which the Board may properly take jurisdiction. Therefore, the Board finds that the appeal docketed as No. 23-0890 is dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0890 is dismissed.

Issued: October 30, 2024
Washington, DC

Alec J. Koromilas, 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 See *Order Dismissing Appeal, P.H.*, Docket No. 21-0945 (issued March 16, 2022); *Douglas E. Billings*, 41 ECAB 880 (1990).

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

⁵ See *supra* note 3.