

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

K.E., Appellant	)	
	)	
and	)	Docket No. 24-0843
	)	Issued: October 29, 2024
DEPARTMENT OF VETERANS AFFAIRS,	)	
JOHN J. PERSHING VA MEDICAL CENTER,	)	
Popular Bluff, MO, Employer	)	
	)	

*Appearances:*  
Scotty Lee White, for the appellant<sup>1</sup>  
Office of Solicitor, for the Director

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On August 14, 2024 appellant, through his representative, sought an appeal from a March 14, 2024 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0843.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal.<sup>3</sup> In the March 14, 2024 decision, OWCP's hearing representative

---

<sup>1</sup> 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.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>3</sup> 20 C.F.R. § 501.3(e), which provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

set aside a July 27, 2023 decision, and remanded the case for further development followed by a *de novo* decision. The March 14, 2024 decision was, therefore, not a final adverse decision.

Section 501.2(c)(2) of the Board's *Rules of Procedure* provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case."<sup>4</sup> Consequently, the case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal. As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 24-0843 must be dismissed.<sup>5</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 24-0843 is dismissed.

Issued: October 29, 2024  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

---

<sup>4</sup> *Id.* at § 501.2(c)(2).

<sup>5</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).