

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

S.D., Appellant)

and)

U.S. POSTAL SERVICE, TEUTONIA)
STATION, Milwaukee, WI, Employer)
_____)

Docket No. 24-0793

Issued: September 13, 2024

Appearances:
Appellant, pro se
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 July 30, 2024 appellant sought an appeal from purported July 18 and 26, 2024 final adverse decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0793.

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.¹ This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed the appeal.² The Board notes that the July 18 and 26, 2024 purported decisions are notices of proposed termination, in which OWCP advised appellant that she had an additional 30 days in which to submit additional evidence or argument in writing if she disagreed with the proposal to terminate her compensation benefits. These notices are, therefore, not final decisions and not subject to appeal.³

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

² *Id.* at § 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 OWCP."

³ *Id.* at § 501.2(c). *See also Order Dismissing Appeal, D.P.*, Docket No. 24-0688 (issued August 28, 2024).

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.”⁴ 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. 24-0793, must be dismissed.⁵ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 24-0793 is dismissed.

Issued: September 13, 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

⁴ *Id.* at § 501.2(c)(2).

⁵ 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).