

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

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T.B., Appellant )

and )

U.S. POSTAL SERVICE, POST OFFICE, )  
New Orleans, LA, Employer )  
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**Docket No. 23-0599  
Issued: May 3, 2023**

*Appearances:*

Clarence Roby, Jr., Esq., 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  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

On March 7, 2023 appellant, through counsel, filed an appeal from a July 13, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0599.

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.<sup>2</sup> This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his or her appeal.<sup>3</sup> 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

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<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. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>3</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."

docketing of the current appeal.<sup>4</sup> Although the record contains a July 13, 2021 decision, by that decision OWCP accepted appellant's claim for various conditions. 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. 23-0599 must be dismissed.<sup>5</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 23-0599 is dismissed.

Issued: May 3, 2023  
Washington, DC

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

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

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

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<sup>4</sup> *Id.*

<sup>5</sup> 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).