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

S.H., Appellant	) )
and	)
DEPARTMENT OF AGRICULTURE, U.S. FOREST SERVICE, MASTEAD ANNEX, Albuquerque, NM, Employer	) ) )

Docket No. 23-0680 Issued: May 26, 2023

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 VALERIE D. EVANS-HARRELL, Alternate Judge JAMES D. McGINLEY, Alternate Judge

On April 14, 2023 appellant filed an appeal from a December 27, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 23-0680.

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>1</sup> 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.<sup>2</sup>

The 180<sup>th</sup> day following the December 27, 2021 decision was June 25, 2022. As appellant did not file an appeal with the Board until April 14, 2023, more than 180 days after the December 27, 2021 OWCP decision, the Board finds that the appeal docketed as No. 23-0680 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 *et seq*.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</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."

explained his failure to 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. 23-0680, must be dismissed.<sup>3</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 23-0680 is dismissed.

Issued: May 26, 2023 Washington, DC

> Alec J. Koromilas, 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

<sup>&</sup>lt;sup>3</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).