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

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B.W., Appellant and U.S. POSTAL SERVICE, POST OFFICE, Half Moon Bay, CA, Employer

Docket No. 21-0501 Issued: February 26, 2021

Case Submitted on the Record

Appearances: Appellant, pro se Office of Solicitor, for the Director

## **ORDER DISMISSING APPEAL**

Before: ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Alternate Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On February 8, 2021 appellant filed an appeal from a July 10, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0501.

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 July 10, 2020 decision was January 6, 2021. As appellant did not file an appeal with the Board until February 8, 2021, more than 180 days after the July 10, 2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0501 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>&</sup>lt;sup>2</sup> *Id.* at § 501.3(e).

explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."<sup>3</sup>

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0501 is dismissed.

Issued: February 26, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

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

<sup>&</sup>lt;sup>3</sup> *Id.* at § 501.6(d).