

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

REBECCA M. CROSS,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2014-3119

Petition for review of the Merit Systems Protection Board in No. CH-0831-12-0766-I-2.

ON MOTION

PER CURIAM.

ORDER

Upon review of this recently docketed petition for review, it appears that Rebecca M. Cross's petition was not timely filed.

On February 19, 2014, the Merit Systems Protection Board denied Cross's petition for review of an initial decision that determined that the Office of Personnel Management properly calculated her creditable service

toward a retirement annuity. The court received her petition for review on April 22, 2014, which was 61 days after the Board issued its final order.

The time for filing a petition for review from a Board decision or order is governed by 5 U.S.C. § 7703(b)(1), which provides in relevant part that “[n]otwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.” 5 U.S.C. § 7703(b)(1)(A). This filing period is “statutory, mandatory, [and] jurisdictional.” *Monzo v. Dep’t of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984).

Accordingly,

IT IS ORDERED THAT:

(1) Cross is directed to show cause, within 21 days of the date of filing of this order, why this petition should not be dismissed as untimely. The Office of Personnel Management may also respond within that time.

(2) The briefing schedule is stayed.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court