

IN THE UTAH COURT OF APPEALS

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Bobby Joe Croft,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20070953-CA
v.)	
)	
Department of Workforce)	F I L E D
Services, Workforce Appeals)	(April 17, 2008)
Board,)	
)	2008 UT App 142
Respondent.)	

Original Proceeding in this Court

Attorneys: Bobby Joe Croft, Salt Lake City, Petitioner Pro Se
Susan Pixton, Salt Lake City, for Respondent

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Bobby Joe Croft petitions for judicial review of the final decision of the Workforce Appeals Board (the Board). This case is before the court on its own motion for summary disposition based upon lack of jurisdiction due to the failure to file a timely petition for review of the Board's decision. See Utah R. App. P. 14(a).

A petition for review of an agency's final order must be filed "within 30 days after the date of the written decision or order." Id.; see also Utah Code Ann. § 63-46b-14(3)(a) (2004) ("A party shall file a petition for judicial review of final agency action within 30 days."). If the petition is not timely filed, this court lacks jurisdiction to review the petition and must dismiss it. See Silva v. Department of Employment Sec., 786 P.2d 246, 247 (Utah Ct. App. 1990) (per curiam).

The Board issued its final order on October 18, 2007. Croft did not file his petition for review until December 3, 2007, forty-six days after the issuance of the decision by the Board and well beyond the time limitation set forth in rule 14(a). See Utah R. App. P. 14(a). Because Croft did not timely file a petition for review, we lack jurisdiction to consider the merits

of the petition. When we lack jurisdiction, we retain "only the authority to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Therefore, the petition for review is dismissed for lack of jurisdiction.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge