

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2116

WILLIAM T. KNOX,

Petitioner,

v.

UNITED STATES DEPARTMENT OF LABOR,

Respondent.

On Petition for Review of an Order of the United States Department of Labor. (07-105; 01-CAA-3)

Submitted: October 21, 2008

Decided: November 20, 2008

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Adam E. Draper, Paula Dinerstein, PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY, Washington, D.C., for Petitioner. Gregory F. Jacob, Solicitor of Labor, Steven J. Mandel, Associate Solicitor, Paul L. Frieden, Mary J. Rieser, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William T. Knox appeals the Administrative Review Board's ("ARB") decision on second remand rejecting the Administrative Law Judge's recommended decision and order awarding benefits, and dismissing Knox's whistle-blower complaint brought under the Clean Air Act ("CAA"), 42 U.S.C. § 7622 (2006). We dismiss the petition for lack of jurisdiction because the petition for review was not timely filed.

The statute that establishes the jurisdiction of this court to review a whistle-blower case brought under the CAA provides that:

Any person adversely affected or aggrieved by an order issued under subsection (b) of this section may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order.

Id. § 7622(c)(1). This time period is jurisdictional, and under Fed. R. App. P. 26(b), the court may not extend the time to file a petition to review an order of an administrative board unless specifically authorized by law. Section 7622 contains no such authorization.

In this case, the ARB's decision issued on August 30, 2007. Knox's petition for review was not filed until October 30, 2007, sixty-one days later. We therefore dismiss the petition for review. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED