United States Court of Appeals for the Federal Circuit

2007-3075

DEAN L. ROGAN, II,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Dean L. Rogan, II, of Chicago Heights, Illinois, pro se.

Sara B. Rearden, Attorney, Office of the General Counsel, United States Merit Systems Protection Board, of Washington, DC, for respondent. With her on the brief were B. Chad Bungard, General Counsel, and Rosa M. Koppel, Deputy General Counsel.

Appealed from: United States Merit Systems Protection Board

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_____

DECIDED: October 5, 2007

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Before MAYER, Circuit Judge, JACOBS, Chief Judge*, and PROST, Circuit Judge.

PER CURIAM.

Dean I. Rogan, II, appeals the final decision of the Merit Systems Protection Board that dismissed his appeal as untimely filed. Rogan v. U.S. Postal Serv., CH-0752-06-0556-I-1 (MSPB July 19, 2006). We affirm.

Rogan was required to file his appeal with the board within thirty days of his removal from his position at the United States Postal Service, or to show good cause why he was unable to timely file. 5 C.F.R. §§ 1201.12, 1201.22. Given that Rogan's appeal was received by the board in an envelope postmarked more than four months past the filing deadline, the board properly determined that Rogan's appeal was

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*   Honorable Dennis Jacobs, Chief Circuit Judge, Second Circuit Court of Appeals, sitting by designation.

untimely.

While Rogan made representations to the board regarding family and financial problems, he failed to establish that these difficulties prevented him from meeting the filing deadline. We conclude, therefore, that substantial evidence supports the board's determination that Rogan failed to show good cause for his failure to file in a timely manner.