

NOTE: This order is nonprecedential.

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

JOSEPH CANGEMI,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2014-3039

Petition for review from the Merit Systems Protection Board in No. AT0845120495-I-2.

PER CURIAM.

ORDER

Upon review of this recently docketed petition for review, it appears that Joseph Cangemi's petition was not timely filed.

On August 9, 2013, the Merit Systems Protection Board ("Board") issued a final order finding that Cangemi was not entitled to a waiver of overpayment. The court received his petition for review on November 5, 2013; 88 days after the Board issued its decision.

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) Cangemi 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 Board 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