

IN THE UTAH COURT OF APPEALS

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Jerry Allan and Linda L. Allan,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Petitioners,)	Case No. 20060342-CA
)	
v.)	F I L E D
)	(June 15, 2006)
Department of Health, Division of Health Care Financing,)	
)	2006 UT App 246
)	
Respondent.)	

Original Proceeding in this Court

Attorneys: Jerry Allan and Linda L. Allan, Provo, Petitioners
Pro Se
Mark L. Shurtleff and Jean P. Hendrickson, Salt Lake City, for Respondent

Before Judges Greenwood, Davis, and Thorne.

PER CURIAM:

Jerry Allan and Linda L. Allan (the Allans) petition for judicial review of the final order of the Department of Health, Division of Health Care Financing (the Division). This case is before the court on the Division's motion for summary dismissal based upon lack of jurisdiction due to the failure to file a timely petition for review of the Division's order. 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. See Silva v. Department of Employment Sec., 786 P.2d 246, 247 (Utah Ct. App. 1990) (per curiam).

The Division issued its final order on February 24, 2006. The Allans did not file their petition for review until April 13, 2006, well beyond the time limitation set forth in rule 14(a).

See Utah R. App. P. 14(a). Because the Allans 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,
Associate Presiding Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge