

IN THE UTAH COURT OF APPEALS

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Joel Butcher,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20051124-CA
v.)	
)	
Department of Workforce)	F I L E D
Services,)	(March 16, 2006)
)	
Respondent.)	2006 UT App 112

Original Proceeding in this Court

Attorneys: Joel Butcher, Park City, Petitioner Pro Se
Suzan Pixton, Salt Lake City, for Respondent

Before Judges Bench, Greenwood, and Billings.

PER CURIAM:

Joel Butcher seeks judicial review of a decision by the Workforce Appeals Board affirming an overpayment and statutory penalty based upon Butcher's receipt of unemployment benefits to which he was not entitled. This case is before the court on a *sua sponte* motion for summary dismissal for lack of jurisdiction.

The Workforce Appeals Board issued and mailed its decision on November 9, 2005. Butcher filed a petition for writ of review in this court on December 13, 2005, thirty-four days after issuance of the decision of the Board. A petition for writ of review must be filed with this court within thirty days after issuance of the order constituting final agency action. See Utah Code Ann. § 63-46b-14(3)(a) (2004). Accordingly, we lack jurisdiction to consider the merits of the petition.

We dismiss the petition for lack of jurisdiction.

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge