

IN THE UTAH COURT OF APPEALS

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Mary K. Fee,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20050684-CA
v.)	
)	
Department of Workforce)	F I L E D
Services; Workforce Appeals)	(October 20, 2005)
Board; and IHC, Inc.,)	
)	2005 UT App 448
Respondents.)	

Original Proceeding in this Court

Attorneys: Mary K. Fee, Salt Lake City, Petitioner Pro Se
 Suzan Pixton, Salt Lake City, for Respondents

Before Judges Billings, Bench, and Greenwood.

PER CURIAM:

Petitioner Mary K. Fee petitions for judicial review of a decision of the Workforce Appeals Board (Board). This case is before the court on a sua sponte motion for summary disposition.

The Board issued its decision on a request for reconsideration, which constitutes final agency action, on June 20, 2005. Any petition for review must have been filed in this court within thirty days after issuance of final agency action. See Utah Code Ann. § 63-46b-14(3)(a) (2004) (stating a party shall file a petition for judicial review within thirty days after the date that the order constituting the final agency action is issued). Fee's petition for review must have been filed not later than July 20, 2005, but it was not filed in this court until August 11, 2005, which was fifty-two days after the issuance of final agency action.

Fee filed an affidavit in this court requesting a "retroactive extension" of the time for seeking judicial review. There is no provision allowing this court or the agency to grant an extension of the time for seeking judicial review of final agency action, retroactive or otherwise. See Viktron/Lika Utah v. Labor Comm'n, 2001 UT App 8, ¶7, 18 P.3d 519 (per curiam)

("[N]either UAPA nor the appellate rules allow an extension of the time to seek judicial review analogous to that allowed in other appeals.").

Timely filing of a petition for review is jurisdictional. See Silva v. Department of Employment Sec., 786 P.2d 246, 247 (Utah Ct. App. 1990) (per curiam). Without timely filing of a petition for review, we lack jurisdiction to consider the merits of the petition. Having concluded that 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).

We dismiss the petition for review for lack of jurisdiction.

Judith M. Billings,
Presiding Judge

Russell W. Bench,
Associate Presiding Judge

Pamela T. Greenwood, Judge