

IN THE UTAH COURT OF APPEALS

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DelAnne V. Jessop,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20080722-CA
v.)	
)	
<u>Department of Workforce</u>)	F I L E D
<u>Services</u> and Midvale City)	(November 28, 2008)
Corporation,)	
)	2008 UT App 428
Respondent.)	

Original Proceeding in this Court

Attorneys: DelAnne V. Jessop, West Jordan, Petitioner Pro Se
 Suzan Pixton, Salt Lake City, for Respondent

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

DelAnne V. Jessop petitions for judicial review of the final decision of the Workforce Appeals Board (the Board). This case is before the court on its own motion for summary disposition based upon lack of jurisdiction due to the failure to file a timely petition for review of the Board's decision. 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 it. See Silva v. Dep't. of Employment Sec., 786 P.2d 246, 247 (Utah Ct. App. 1990) (per curiam).

The Board issued its final order on July 22, 2008. Jessop did not file her petition for review until August 25, 2008, thirty-four days after issuance of the Board's decision, and four days beyond the time limitation set forth in rule 14(a). See Utah R. App. P. 14(a). Because Jessop 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.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge