

IN THE UTAH COURT OF APPEALS

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| Shane Kapinsky, |) | MEMORANDUM DECISION |
| |) | (Not For Official Publication) |
| |) | |
| Petitioner, |) | Case No. 20060470-CA |
| |) | |
| v. |) | F I L E D |
| |) | (July 20, 2006) |
| |) | |
| Department of Workforce |) | 2006 UT App 307 |
| Services, Workforce Appeals |) | |
| Board, |) | |
| |) | |
| Respondent. |) | |

Original Proceeding in this Court

Attorneys: Matthew T. Graff, St. George, for Petitioner
Geoffrey Landward, Salt Lake City, for Respondent

Before Judges Davis, Greenwood, and Orme.

PER CURIAM:

Shane Kapinsky petitions for review of the Department of Workforce Services, Workforce Appeals Board's (the Board) final decision issued April 11, 2006. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to an untimely filed petition for review.

A petition for review of an agency order must be filed within thirty days after the date of the written decision or order. See Utah R. App. P. 14(a); see also Utah Code Ann. § 63-46b-14(3)(a) (2004) (providing that a petition for judicial review of an agency action must be filed within thirty days). If a petition is not timely filed, this court lacks jurisdiction to review the petition and must dismiss it. See Silva v. Department of Employment Sec., 786 P.2d 246, 247 (Utah Ct. App. 1990) (per curiam). Here, Kapinsky filed his petition for review more than thirty days after the date of the Board's final order. Thus, the

petition was untimely and this court lacks jurisdiction over the petition. See id.

Accordingly, the petition is dismissed.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Gregory K. Orme, Judge