

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Kirsi-Marja Keith,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20070549-CA
v.)	
)	
Department of Workforce)	F I L E D
Services, Workforce Appeals)	(November 1, 2007)
Board,)	
)	2007 UT App 360
Respondent.)	

Original Proceeding in this Court

Attorneys: Kirsi-Marja Keith, Vernal, Petitioner Pro Se
 Suzan Pixton, Salt Lake City, for Respondent

Before Judges Bench, Davis, and Thorne.

PER CURIAM:

Kirsi-Marja Keith petitions for judicial review of a decision of the Workforce Appeals Board (the 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 a final agency action, on May 7, 2007. "A party shall file a petition for judicial review of final agency action within 30 days after the date that the order constituting the final agency action is issued." Utah Code Ann. § 63-46b-14(3)(a) (2004). Keith's petition for review was not filed in this court until July 3, 2007, fifty-seven days after issuance of the order constituting a final agency action.

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. Because 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).

Accordingly, we dismiss the petition for lack of jurisdiction.

Russell W. Bench,
Presiding Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge