

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

JOSE E. ROSARIO-FABREGAS,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

2014-3092

Petition for review of the Merit Systems Protection Board in No. NY-0752-10-0127-P-1.

Before NEWMAN, RADER, and HUGHES, *Circuit Judges.*

PER CURIAM.

O R D E R

The parties have responded to this court's order directing them to show cause why this petition should not be dismissed as untimely.

On December 30, 2013, the Merit Systems Protection Board denied Jose E. Rosario-Fabregas's petition for review of an initial decision that denied his motion for damages in connection with his appeal. The court received his petition for review on March 4, 2014, which was 64 days after the Board issued its final order.

The time for filing a petition for review from a Board decision or order is governed by 5 U.S.C. § 7703(b)(1), which provides in relevant part that “[n]otwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.” 5 U.S.C. § 7703(b)(1)(A). This filing period is “statutory, mandatory, [and] jurisdictional.” *Monzo v. Dep’t of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984).

Because Rosario-Fabregas’s petition concerning the Board’s final order was filed after the statutory deadline for filing a petition, we must dismiss the petition.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court