

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record.

United States Court of Appeals for the Federal Circuit

04-3388

VICTOR VASQUEZ,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

DECIDED: May 6, 2005

Before MICHEL, Chief Judge, MAYER, and LOURIE, Circuit Judges.

PER CURIAM.

Victor Vasquez appeals the decision of the Merit Systems Protection Board, which dismissed his appeal as untimely and for lack of jurisdiction. Vasquez v. Merit Sys. Prot. Bd., DE3443030425-I-1 (MSPB Sept. 23, 2003). We affirm.

Vasquez claims that in 1987 he took an air traffic controller examination that was stolen from him and given to someone else to sign. Vasquez failed to file an appeal to the board until July 23, 2003, sixteen years after the incident allegedly occurred. In an attempt to cure this defect, Vasquez submitted two appeal forms to the board that were dated 1986 and 1987. It is apparent from the face of these documents, however, that

they are not authentic. Because we affirm the board's holding that Vasquez's appeal was untimely filed, see Stahl v. Merit Sys. Prot. Bd., 83 F.3d 409, 413 (Fed. Cir. 1996) (appeal to the board must meet the timeliness requirement in 5 C.F.R. § 1201.22(b)), we do not address the board's alternate holding that subject matter jurisdiction was lacking.