

NOTE: This order is nonprecedential.

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

ALVERN C. WEED,
Petitioner,

v.

SOCIAL SECURITY ADMINISTRATION,
Respondent.

2013-3122

Petition for review of the Merit Systems Protection Board in consolidated Nos. DE1221090320-B-1, DE3330080490-B-2, and DE4324090086-B-2.

ON MOTION

Before DYK, PROST, and O'MALLEY, *Circuit Judges.*

PER CURIAM.

O R D E R

Alvern C. Weed moves for reconsideration of the court's previous rejection of his petition for review.

The Merit Systems Protection Board (Board) issued its final order on September 10, 2012. Mr. Weed's representative received the order via electronic mail on Sep-

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tember 10, 2012.* Mr. Weed's petition was received by this court on May 20, 2013, 252 days after he received the Board's final order.

Our review of 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) (2012). This filing period is "statutory, mandatory, [and] jurisdictional." *Monzo v. Dep't of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984); *see also Bowles v. Russell*, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement that cannot be waived).

Because Mr. Weed's petition was not received within 60 days of the date he received the Board's decision, we must dismiss his petition as untimely.

Accordingly,

IT IS ORDERED THAT:

(1) Mr. Weed's motion for reconsideration is denied, and his petition is dismissed.

(2) All sides shall bear their own costs.

* The regulation governing the dates for service of electronic documents at the Board states, in relevant part, "MSPB documents served electronically on registered e-filers are deemed received on the date of electronic submission." 5 C.F.R. § 1201.14(m)(2).

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FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

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ISSUED AS MANDATE: July 18, 2013