

NOTE: This order is nonprecedential.

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

MEDTEK, INC.,
Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Appellee.

2010-1506

Appeal from the Civilian Board of Contract Appeals in
no. 1544, Administrative Judge Stephen M. Daniels

ON MOTION

Before GAJARSA, SCHALL, and MOORE, *Circuit Judges.*
PER CURIAM

O R D E R

The court treats Medtek, Inc.'s (Medtek) letter, received by the court on August 30, 2010, as a motion for reconsideration of the court's previous rejection of Med-

tek's appeal as untimely. Medtek also moves for an extension of time.

Medtek appeals from a February 4, 2010 decision of the Civilian Board of Contract Appeals. Medtek indicates that it received the decision on February 4, 2010. Medtek filed this appeal on August 10, 2010, or 187 days later.

A Civilian Board of Contract Appeals decision is final unless a contractor appeals to this court within 120 days after its receipt of the decision. 41 U.S.C. § 607(g)(1). This filing period is mandatory and jurisdictional. *Placeway Const. Corp. v. United States*, 713 F.2d 726, 728 (Fed. Cir. 1983); *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). Medtek's appeal was not filed within 120 days. We must therefore dismiss this appeal as untimely.

Accordingly,

IT IS ORDERED THAT:

(1) Medtek's motion for reconsideration is denied. The appeal is dismissed.

(2) Medtek's motion for an extension of time is denied as moot.

FOR THE COURT

NOV 15 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Carlos Truffin
Scott A. Macgriff, Esq.

s20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

NOV 15 2010

JAN HORBALY
CLERK