

NOTE: This order is nonprecedential.

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

GEORGE ALCANTAR,
Petitioner,

v.

INTERNAL REVENUE SERVICE,
Respondent.

2011-3010

Petition for review of an arbitrator's decision in case no. NB2564 by Norman Brand.

ON MOTION

Before LOURIE, MAYER, AND DYK, *Circuit Judges.*
PER CURIAM.

ORDER

George Alcantar moves for reconsideration of this court's dismissal of his petition for review.

On December 8, 2010, this court dismissed Alcantar's petition as untimely. That order explained that the court received the petition 63 days after the arbitrator's decision. That order further explained that a petition for

review of an arbitrator's decision must be filed within 60 days of receipt of the decision. See 5 U.S.C. §§ 7121(f), 7703(b)(1).

Alcantar claims that it is "irrelevant" when his union representative received the award. The court, however, rejected this argument, explaining that the time for filing a petition starts when a copy of the final decision is received by petitioner's designated union representative. See *Ballard v. Defense Logistics Agency*, 38 F.3d 1223 (Fed. Cir. 1994); see also *Gragg v. United States*, 717 F.2d 1343 (Fed. Cir. 1983).

Accordingly,

IT IS ORDERED THAT:

Alcantar's motion for reconsideration is denied.

FOR THE COURT

AUG 31 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: George Alcantar
William P. Rayel, Esq.

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

AUG 31 2011

JAN HORBALY
CLERK