

NOTE: This order is nonprecedential.

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

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**AMY AKAO**  
*Petitioner,*

v.

**DEPARTMENT OF THE TREASURY**  
*Respondent.*

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2012-3001

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Petition for review of the Merit Systems Protection Board in case no. SF1221100963-W-1.

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**ON MOTION**

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Before NEWMAN, LINN, and REYNA, *Circuit Judges.*

PER CURIAM.

**ORDER**

Amy Akao moves for reconsideration of the court's previous rejection of her petition for review.

The Merit Systems Protection Board issued its final order on July 13, 2011. Ms. Akao received the order via electronic mail on July 13, 2011. Ms. Akao's petition was

received by this court on September 13, 2011, sixty-two days after she 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 that "[n]otwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the board." This filing period is "statutory, mandatory, [and] jurisdictional." *Monzo v. Dep't of Transportation*, 735 F.2d 1335, 1336 (Fed.Cir.1984); *see also Bowles v. Russell*, 551 U.S. 205, 127 S.Ct. 2360, 168 L.Ed.2d 96 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement that cannot be waived).

Because Ms. Akao's petition was not received within 60 days of the date she received the Board's decision, we must dismiss her petition as untimely.

Accordingly,

IT IS ORDERED THAT:

1) Ms. Akao's motion for reconsideration is denied, and her petition is dismissed. Any other pending motions are denied as moot.

(2) All sides shall bear their own costs.

FOR THE COURT

JAN 12 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Amy Akao  
Cameron Cohick, Esq.  
James M. Eisenmann, Esq.

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

JAN 12 2012

JAN HORBALY  
CLERK