

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

EMANUEL THOMAS,
Appellant,

v.

UNITED STATES POSTAL SERVICE,
Agency.

DOCKET NUMBERS
NY075286C0087
NY07528610443

DATE: MAR 12 1987

Emanuel Thomas, Rego Park, New York, pro se.

Rosario F. Romano, Jamaica, New York, and Patricia L. Morgese, Flushing, New York, for the agency.

BEFORE

Daniel R. Levinson, Chairman
Maria L. Johnson, Vice Chairman
Dennis M. Devaney, Member

OPINION AND ORDER

These cases are before the Board upon the appellant's late-filed petition for review of the administrative judge's July 28, 1986 initial decisions. For the reasons below, the appellant's petition for review is DISMISSED.

On July 28, 1986, the administrative judge issued a decision denying the appellant's petition for enforcement of a settlement agreement resolving a prior removal action. On that same date, the administrative judge issued a decision dismissing the appellant's appeal of his removal because it

was untimely filed. By petition filed October 4, 1986, the appellant sought review of the initial decisions.¹

A petition for review must be filed within 35 days of the date of issuance of the initial decision. See 51 Fed. Reg. 25,157 (1986) (to be codified at 5 C.F.R. § 1201.114).² Because the appellant's petition was untimely, the Board ordered him to show cause for the untimeliness.

The appellant did not respond to the show cause order. Thus, there being no showing of good cause for the untimely filing, the appellant's petition for review is dismissed.

ORDER

This is the Board's final order in this appeal. The initial decisions became final in accordance with the instructions set forth therein. 5 C.F.R. § 1201.113.

NOTICE TO APPELLANT

You may petition the United States Court of Appeals for the Federal Circuit to review the Board's decision in your appeal if the court has jurisdiction. 5 U.S.C. § 7703. The address of the court is 717 Madison Place, N.W., Washington, D.C. 20439. The court must receive the petition no later

¹For purposes of this decision, we have joined the compliance and the removal actions. See 5 C.F.R. § 1201.36.

²On July 10, 1986, the Board republished its entire rules of practice and procedure in the Federal Register. For ease of reference, citations will be to the Board's regulations at 5 C.F.R. Part 1201. However, parties should refer to 51 Fed. Reg. 25,146-72 (1986) for the text of all references to this part.

than thirty days after you or your representative receives
this order. 3

FOR THE BOARD:

Washington, D.C.

Robert E. Taylor
Robert E. Taylor
Clerk of the Board