

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-257

MARCH TERM, 2008

Scott Percey	}	APPEALED FROM:
	}	
v.	}	Employment Security Board
	}	
Department of Labor	}	DOCKET NO. 12-06-070-03

In the above-entitled cause, the Clerk will enter:

Plaintiff appeals from a denial of unemployment benefits. The Employment Security Board dismissed his appeal as untimely filed. We affirm.

Plaintiff filed a claim for unemployment benefits. The claims adjudicator denied plaintiff's request, and plaintiff appealed to the administrative law judge. On January 12, 2007, the administrative law judge sustained the adjudicator's denial. On February 23, 2007, forty-two days later, plaintiff appealed to the Employment Security Board. The Board dismissed the appeal as untimely filed. Plaintiff appeals.

On appeal, plaintiff raises multiple claims concerning the merits of his request for unemployment benefits. We do not reach these claims because we agree with the Board that plaintiff's appeal was untimely filed and therefore the Board lacked jurisdiction to hear plaintiff's appeal. An appeal to the Board must be filed within thirty days of the decision of an administrative judge. 21 V.S.A. § 1349. A timely appeal to the Board is jurisdictional, and the Board has no power to extend the appeal period. Allen v. Vt. Employment Sec. Bd., 133 Vt. 166, 168-69 (1975). Because plaintiff filed his appeal more than thirty days after the administrative judge rendered a decision, the Board lacked jurisdiction and properly dismissed the appeal.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice