

No. 20-3410

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Jun 30, 2020  
DEBORAH S. HUNT, Clerk

KIMBERLY K. NEFF, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 KEYBANK NATIONAL ASSOCIATION, et al., )  
 )  
 Respondents. )  
 )

ORDER

Before: SILER, STRANCH, and DONALD, Circuit Judges.

This matter is before the court upon consideration of the respondents’ motion to dismiss the petition for review as untimely filed.

Kimberly Neff filed a complaint against KeyBank National Association, DCR Workforce, Inc., and Collabera, Inc. (collectively, “Respondents”) with the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA). OSHA dismissed her claim, and Neff requested a hearing before an administrative law judge (“ALJ”). On February 13, 2019, the ALJ granted the Respondents’ motions for summary decision. Neff appealed to the U.S. Department of Labor’s Administrative Review Board (“ARB”). On February 5, 2020, the ARB entered its final decision and order affirming the ALJ’s decision. On April 13, 2020, Neff filed a petition for review of the ARB’s decision.

“Review of an agency order is commenced by filing, *within the time prescribed by law*, a petition for review with the clerk of a court of appeals authorized to review the agency order.” Fed. R. App. P. 15(a)(1) (emphasis added). The statutes governing Neff’s claims prescribe a sixty-day period for seeking judicial review. *See* 18 U.S.C. § 1514A(b)(2); 49 U.S.C. § 42121(b)(4)(A); 12 U.S.C. § 5567(c)(4)(E). The petition for review of the February 5, 2020, ARB decision received

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and filed in this court on April 13, 2020, is late, and this court lacks authority to extend the period for filing the petition for review. *See* Fed. R. App. P. 26(b)(2).

Accordingly, the petition for review is **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

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Deborah S. Hunt, Clerk