

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10805

Non-Argument Calendar

JEWELL CHAPPELL,

Petitioner,

versus

UNITED STATES DEPARTMENT OF LABOR,
BENEFITS REVIEW BOARD,
DRUMMOND COMPANY, INC.,

Respondents.

Petition for Review of a Decision of the
Benefits Review Board

Agency No. BRB2021-05792

Before ROSENBAUM, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Jewell Chappell, on behalf of her deceased husband Edward Chappell, seeks review of a decision of the Benefits Review Board (the “Board”) entered on January 11, 2024. That decision denied Jewell Chappell’s motion for reconsideration of an earlier order of the Board.

The statutory time limit required Jewell Chappell to file a petition for review of the Board’s order on or before March 11, 2024, which was 60 days after the Board entered its order on January 11, 2024. *See* 33 U.S.C. § 921(c); 20 C.F.R. § 725.482(a). However, Jewell Chappell’s notice of appeal that initiated this proceeding was not filed until March 18, 2024, the date that we received it. *See* Fed. R. App. P. 25(a)(2)(A)(i) (providing that a filing sent to us by mail is untimely unless the clerk receives it within the time fixed for filing); *Rich v. Dir., Office of Workers’ Comp. Programs*, 798 F.2d 432, 433 (11th Cir. 1986) (concluding that a petition for review under the Black Lung Benefits Act was deemed filed on the date that we received it, not the date that it was mailed). Because the 60-day time limit to petition for review of an order of the Board is jurisdictional, we lack jurisdiction over this appeal. *See Sloan v. Drummond Co., Inc.*, 102 F.4th 1169, 1174-76 (11th Cir. 2024) (holding that 33 U.S.C. § 921(c)’s 60-day deadline is jurisdictional).

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Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.