

PATRICIA LEAVITT

v.

MAINE STATE RETIREMENT SYSTEM et al.

Argued November 12, 2002  
Decided November 25, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,  
CALKINS, and LEVY, JJ.

## MEMORANDUM OF DECISION

Patricia Leavitt appeals from a judgment of the Superior Court (Penobscot County, *Mead, J.*) affirming the decision of the Board of Trustees of the Maine State Retirement System denying her disability retirement benefits. Leavitt's appeal was filed beyond the twenty-one day appeal period, *see* M.R. App. P. 2(b)(3) and no request for extension was filed, *see* M.R. App. P. 2(b)(5). Therefore, we must dismiss the appeal.<sup>1</sup> *Bourke v. City of So. Portland*, 2002 ME 155, ¶¶ 3-4, 806 A.2d 1255, 1255-56; *Lussier v. Oxford Dev. Assocs.*, 1997 ME 117, ¶ 5, 695 A.2d 188, 1889-90.

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<sup>1</sup> Because the Retirement System did not move to dismiss the appeal or take a position as to the effectiveness of the late filed appeal, the matter was fully briefed and heard at oral argument, and no error was demonstrated.

The entry is:

Appeal dismissed.

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