

MAREK A. KWASNIK

v.

DEPARTMENT HEALTH AND HUMAN SERVICES

Submitted on Briefs November 29, 2005  
Decided December 16, 2005

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

MEMORANDUM OF DECISION

Marek A. Kwasnik appeals from a judgment entered in the Superior Court (Cumberland County, *Crowley, J.*) dismissing his petition seeking judicial review of a 2001 decision of the Department of Health and Human Services pursuant to M.R. Civ. P. 80C(b). Because Kwasnik's petition was filed more than thirty days after the Department's decision, the court correctly found that Kwasnik's petition was not timely and granted the Department's motion to dismiss. *See* 5 M.R.S.A. § 11002(3) (2002); M.R. Civ. P. 12(b)(1), 80C(b); *Davric Me. Corp. v. Bangor Historic Track, Inc.*, 2000 ME 102, ¶ 11, 751 A.2d 1024, 1029-30 (stating that

Administrative Procedures Act time limitations are jurisdictional); *Coates v. Me. Employment Sec. Comm'n*, 428 A.2d 423, 427 (Me. 1981) (“Failure timely to seek judicial review of agency action is a jurisdictional defect that this court may not excuse.”).

The entry is:

Judgment affirmed.

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