

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2015

Lyle W. Cayce
Clerk

No. 15-60158
Summary Calendar

GAROLYN M. FIELDS,

Petitioner

v.

UNITED STATES RAILROAD RETIREMENT BOARD,

Respondent

Petition for Review of an Order of the
Railroad Retirement Board
RRB No. 13-AP-0068

Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

Garolyn Fields seeks an annuity provided by the Railroad Department Act because of her marriage to Milton Fields, deceased. This court has jurisdiction of her appeal only if she has exhausted her claim before the Railroad Retirement Board. She has failed to do so and this court must dismiss.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 15-60158

She presented her claim in 2009 and it was denied and reconsidered but denied again by the Bureau of Hearings and Appeals on November 23, 2009. In response to her letter that she disagreed, the Agency informed her that an appeal had to be filed on HA-1 form before January 22, 2010. The form was enclosed in a return envelope. But she failed to file the appeal until June 28, 2013. Having no final decision by the three-member Board, this court has no jurisdiction to act.

DISMISSED.