

**UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD**

DARNEA WILLIAMS-TATIS,  
Appellant,

DOCKET NUMBER  
AT-0752-10-0096-X-1

v.

UNITED STATES POSTAL SERVICE,  
Agency.

DATE: December 19, 2012

**THIS FINAL ORDER IS NONPRECEDENTIAL<sup>1</sup>**

Nicholas E. Karatinos, Esquire, Lutz, Florida, for the appellant.

Barry D. Thorpe, Esquire, Pembroke Pines, Florida, for the agency.

**BEFORE**

Susan Tsui Grundmann, Chairman  
Anne M. Wagner, Vice Chairman  
Mark A. Robbins, Member

**FINAL ORDER**

On March 19, 2012, the administrative judge issued a recommended decision that the Board find, under the Board's regulations in effect at that time, the agency in noncompliance with the March 22, 2011 final order, which sustained a charge of improper conduct but canceled the removal action against

---

<sup>1</sup> A nonprecedential order is one that the Board has determined does not add significantly to the body of MSPB case law. Parties may cite nonprecedential orders, but such orders have no precedential value; the Board and administrative judges are not required to follow or distinguish them in any future decisions. In contrast, a precedential decision issued as an Opinion and Order has been identified by the Board as significantly contributing to the Board's case law. See [5 C.F.R. § 1201.117\(c\)](#).

the appellant and mitigated the penalty to a 30-day suspension. MSPB Docket No. AT-0752-10-0096-I-1, Petition for Review File (PFR), Tab 9 at 2, 6-7; MSPB Docket No. AT-0752-10-0096-X-1, Compliance Referral File (CRF), Tab 1 at 2, 6-7; *see* [5 C.F.R. § 1201.183](#) (Jan. 1, 2012). The Board ordered the agency to pay the appellant back pay, interest, and other benefits. PFR, Tab 9 at 7. The appellant contended that the agency failed to pay the correct amounts for her 2009 and 2010 performance awards. CRF, Tab 1 at 2. On April 30, 2012, and August 3, 2012, we found the agency noncompliant and ordered it to take various actions to comply with the final order. CRF, Tabs 8 and 19. On October 4, 2012, we found the agency compliant except with regard to payment of \$367.81 gross in lump sum bonus for fiscal year 2009 and interest on this amount. CRF, Tab 24 at 5. We ordered the agency to pay the appellant the appropriate amounts and submit evidence that it had done so, along with an explanation of its interest calculation. *Id.*

On November 2, 2012, the agency submitted an explanation of its interest calculation and evidence that it had paid the outstanding lump sum bonus and interest to the appellant. CRF, Tab 27 at 4-16. On November 7, 2012, the appellant confirmed that she had received these amounts, that she did not object to the agency's interest calculation, and that the agency "at this juncture is in full compliance with the Orders of the Administrative Judge, and of the Board, regarding pay, bonus, and interest." CRF, Tab 28 at 4-5. We agree. Accordingly, we find the agency in compliance and DISMISS the petition for enforcement.<sup>2</sup> This is the final decision of the Merit Systems Protection Board in this compliance proceeding. Title 5 of the Code of Federal Regulations, section 1201.183(c)(1) ([5 C.F.R. § 1201.183](#)(c)(1)).

---

<sup>2</sup> Except as otherwise noted in this decision, we have applied the Board's regulations that became effective November 13, 2012. We note, however, that the petition for enforcement in this case was filed before that date. The revisions to [5 C.F.R. § 1201.183](#) do not affect our consideration of the merits of this compliance proceeding.

**NOTICE TO THE APPELLANT REGARDING  
YOUR RIGHT TO REQUEST  
ATTORNEY FEES AND COSTS**

You may be entitled to be paid by the agency for your reasonable attorney fees and costs. To be paid, you must meet the requirements set out at Title 5 of the United States Code (5 U.S.C.), sections 7701(g), 1221(g), or 1214(g). The regulations may be found at [5 C.F.R. §§ 1201.201](#), 1201.202, and 1201.203. If you believe you meet these requirements, you must file a motion for attorney fees **WITHIN 60 CALENDAR DAYS OF THE DATE OF THIS DECISION**. You must file your attorney fees motion with the office that issued the initial decision on your appeal.

**NOTICE TO THE APPELLANT REGARDING  
YOUR FURTHER REVIEW RIGHTS**

You have the right to request the United States Court of Appeals for the Federal Circuit to review this final decision. You must submit your request to the court at the following address:

United States Court of Appeals  
for the Federal Circuit  
717 Madison Place, N.W.  
Washington, DC 20439

The court must receive your request for review no later than 60 calendar days after your receipt of this order. If you have a representative in this case and your representative receives this order before you do, then you must file with the court no later than 60 calendar days after receipt by your representative. If you choose to file, be very careful to file on time. The court has held that normally it does not have the authority to waive this statutory deadline and that filings that do not comply with the deadline must be dismissed. *See Pinat v. Office of Personnel Management*, [931 F.2d 1544](#) (Fed. Cir. 1991).

If you need further information about your right to appeal this decision to court, you should refer to the federal law that gives you this right. It is found in

Title 5 of the United States Code, section 7703 ([5 U.S.C. § 7703](#)). You may read this law, as well as review the Board's regulations and other related material, at our website, <http://www.mspb.gov>. Additional information is available at the court's website, [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov). Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's [Rules of Practice](#), and [Forms 5, 6, and 11](#).

FOR THE BOARD:

-----  
William D. Spencer  
Clerk of the Board

Washington, D.C.