



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for September 5, 2014

BOARD DECISIONS

Appellant: Trent D. Engler

Agency: Department of the Army

Decision Number: [2014 MSPB 71](#)

MSPB Docket Number: CH-0752S-14-0077-I-1

Issuance Date: September 3, 2014

Appeal Type: Jurisdiction

Action Type: Suspension of Less than 14 Days

Jurisdiction Over Suspension of 14 days or Less Enforced Leave

The appellant was suspended for a period of ten working days based on a charge of conduct unbecoming a federal employee. In effectuating the suspension action, the agency ordered the appellant to move back his regular day off in order for the agency to schedule the ten suspension days in sequence. The appellant asserted that because the decision letter indicated that the appellant was in a suspension status for a period of 15 days, the Board had jurisdiction over the appeal. The administrative judge dismissed the appeal for lack of jurisdiction based on a finding that the agency suspended the appellant for only ten consecutive working days.

Holding: The Board affirmed the initial decision.

- 1. Rescheduling of an optional day off under a compressed work schedule does not equate to involuntarily placing the employee in a leave status because the appellant did not lose any pay or benefit. Inasmuch as the appellant was only subjected to a ten working day unpaid suspension, the Board had no jurisdiction over the appeal.**

- **The U.S. Court of Appeals for the Federal Circuit did not issue any decisions this week**

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