



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for March 13, 2015

The U.S. Court of Appeals for the Federal Circuit issued the following nonprecedential decisions this week:

Petitioner: Kendra S. Vanderlee

Respondent: Merit Systems Protection Board

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Numbers: [2014-3203](#)

MSPB Docket No. CH-0353-06-0658-I-2

Issuance Date: March 6, 2015

Holding: The Court affirmed the Board's dismissal of the appellant's restoration claim for lack of jurisdiction because the appellant stipulated that she could only refile her appeal if the agency refused to participate in arbitration.

Petitioner: F. Jimmy R. Hill

Respondent: Merit Systems Protection Board

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2014-3216](#)

MSPB Docket No. AT-3443-14-0778-I-1

Issuance Date: March 6, 2015

Holding: The Court affirmed the Board's dismissal for lack of jurisdiction based on its finding that it lacked jurisdiction over a 14-day suspension.

Petitioner: Shirley A. Varnado

Respondent: Merit Systems Protection Board

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2014-3107](#)

MSPB Docket No. AT-0752-13-0039-I-1

Issuance Date: March 6, 2015

Holding: The Court affirmed the Board's findings that it lacked jurisdiction over the appellant's numerous claims stemming from her removal and that the appellant failed to establish good cause for her untimely filing, but remanded the case for additional proceedings on the issue of whether the appellant was properly advised as to how she could establish jurisdiction over her denial of within-grade increase claim.

Petitioner: Richard D. Montgomery

Respondent: Merit Systems Protection Board

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2014-3196](#)

MSPB Docket No. DA-0752-14-0098-I-1

Issuance Date: March 9, 2015

Holding: The Court affirmed the Board's decision finding that the appellant failed to establish jurisdiction over his involuntary resignation because there was insufficient evidence that his written notice to agency officials that he would not return to work at present or in the foreseeable future was involuntary.

Petitioner: Clinton L. Kelly, Jr.

Respondent: Merit Systems Protection Board

Intervenor Department of Transportation

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2014-3144](#)

MSPB Docket No. AT-0752-13-0043-I-1

Issuance Date: March 9, 2015

Holding: The Court affirmed the Board's decision finding that the appellant failed to establish jurisdiction over his assertion that his reassignment was involuntary.

Petitioner: Harry J. Conner

Respondent: Office of Personnel Management

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2014-3129](#)

MSPB Docket No. AT-0831-12-0138-I-2

Issuance Date: March 12, 2015

Holding: The Court affirmed the Board's decision finding that OPM correctly denied the appellant's claim for additional lump sum survivor benefits based on the employing agency's certification of the decedent's employment record.

Petitioner: Elmer E. Campbell, Jr.

Respondent: Merit Systems Protection Board

Intervenor: U.S. Postal Service

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [2013-3166](#)

MSPB Docket No. SF-0752-10-0331-M-1

Issuance Date: March 12, 2015

Holding: The Court affirmed the Board's remand decision based on the Board's finding that the underlying settlement agreement provided full relief to the appellant and the appellant did not establish that any controversy remained.

- **The MSPB did not issue any precedential decisions this week**

[MSPB](#) | [Case Reports](#) | [Recent Decisions](#) | [Follow us on Twitter](#) | [MSPB Listserv](#)