



## U.S. MERIT SYSTEMS PROTECTION BOARD

**Case Report for May 1, 2015**

**The U.S. Court of Appeals for the Federal Circuit issued the following nonprecedential decision this week:**

**Petitioner:** Sean P. O'Hara

**Respondent:** Department of Homeland Security

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

**Case Numbers:** [2015-3044](#)

**MSPB Docket No.** SF-0752-13-4800-I-1

**Issuance Date:** April 24, 2015

**Holding:** The Court affirmed the Board's decision sustaining the appellant's removal based on charges of lack of candor and misuse of government property stemming from the petitioner viewing sexually explicit images on his government computer.

**The U.S. Supreme Court granted certiorari in the following case:**

**Petitioner:** Marvin Green

**Respondent:** Patrick R. Donohoe, Postmaster General, United States Postal Service

**Tribunal:** U.S. Supreme Court

**Case Number:** No. 14-613

**Decision Below:** [13-1096](#) (10<sup>th</sup> Cir. 2014)

**Issuance Date:** April 27, 2015

**Question Presented:**

Whether, under federal employment discrimination law, the filing period for a constructive discharge claim begins to run when an employee resigns, as five circuits have held, or at the time of an employee's last allegedly discriminatory act giving rise to the resignation, as three other circuits have held.

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

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