U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for February 10, 2017

COURT DECISIONS

NONPRECEDENTIAL:

Clark v. Merit Systems Protection Board, No. 2016-2648 (Feb. 9, 2017) (MSPB Docket No. AT-0353-16-0120-I-1) (affirming the Board's dismissal of the appellant's restoration appeal because she failed to nonfrivolously allege that the U.S. Postal Service's denial of restoration was arbitrary and capricious).

Currie v. Merit Systems Protection Board, No. 2016-2585 (Feb. 8, 2017) (MSPB Docket No. PH-315I-16-0106-I-1) (affirming the Board's dismissal of the appellant's appeal of his demotion from a supervisory position to his previous nonsupervisory position for failure to satisfactorily complete a 1-year probationary period because 5 C.F.R. § 315.908(a) precludes a Board appeal of a demotion effected pursuant to 5 U.S.C. § 3321 and 5 C.F.R. § 315.907(a)).

McInnis v. Department of Education, No. 2016-2652 (Feb. 8, 2017) (MSPB Docket No. CH-0752-14-0518-I-1) (affirming the Board's decision sustaining the appellant's removal based on charges of absent without leave, failure to follow established leave procedures, and failure to follow instructions, and finding that the appellant failed to prove his affirmative defense of whistleblower reprisal).

Stevens v. Merit Systems Protection Board, No. 2016-2567 (Feb. 7, 2017) (MSPB Docket No. AT-1221-15-0481-W-1) (affirming the Board's dismissal of the

appellant's individual right of action appeal for lack of jurisdiction because his vague and conclusory allegations were insufficient to establish nonfrivolous allegations that he made a protected disclosure under the Whistleblower Protection Enhancement Act).