



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for March 3, 2017

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COURT DECISIONS

NONPRECEDENTIAL:

Howard v. Department of the Air Force, [No. 2016-1364](#) (Feb. 27, 2017) (MSPB Docket No. DA-0752-13-0290-I-3) (affirming the Board's decision that sustained the petitioner's removal, which was the second removal action brought by the agency after its first removal action was reversed on due process grounds; the petitioner's arguments that his removal violated the law of the case doctrine and judicial estoppel were unpersuasive, and substantial evidence supported the charges, the aggravating factor of poor performance, and the nexus requirement).

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