



## U.S. MERIT SYSTEMS PROTECTION BOARD

### Case Report for October 6, 2017

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#### COURT DECISIONS

##### NONPRECEDENTIAL:

*Weed v. Social Security Administration*, [No. 2017-1664](#) (October 5, 2017) (MSPB Docket No. DE-1221-09-0320-P-2) (affirming the Board's final decision finding that, because the agency violated the appellant's veterans' preference rights under the Veterans Employment Opportunities Act of 1998, he was entitled to lost wages and benefits from the date the agency filled the first of the four vacancies at issue (September 5, 2006) through the date he rejected the agency's retroactive job offer (October 17, 2012) and that he was not entitled to lost wages and benefits through the date the agency conceded that he would have been selected absent its veterans preference violation (March 29, 2013)).

*Bailey v. Office of Personnel Management*, [No. 2017-2065](#) (October 4, 2017) (MSPB Docket No. DE-0845-17-0020-I-1) (affirming the Board's final decision finding that the Office of Personnel Management met its burden to establish the existence and amount of an overpayment of disability retirement benefits paid under the Federal Employees Retirement System and that the appellant failed to show eligibility for a waiver or further adjustment to the repayment schedule).

*Bishop v. Department of Homeland Security*, [No. 2017-1892](#) (October 4, 2017) (MSPB Docket No. NY-1221-17-0092-W-1) (affirming the Board's

final decision dismissing the appellant's third individual right of action appeal challenging his 2007 termination as barred by res judicata).

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