



## U.S. MERIT SYSTEMS PROTECTION BOARD

### Case Report for July 6, 2018

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#### COURT DECISIONS

##### NONPRECEDENTIAL:

*Boyd v. Department of Veterans Affairs*, No. [18-1459](#) (Jul. 2, 2018) (MSPB Docket No. AT-0752-17-0412-I-1): The court affirmed the administrative judge's decision upholding the appellant's removal based on sustained charges of inappropriate conduct and failure to follow a supervisor's instructions.

*Boyd v. Department of Veterans Affairs*, No. [18-1460](#) (Jul. 2, 2018) (MSPB Docket No. AT-1221-17-0363-W-1): The court affirmed the administrative judge's decision to deny corrective action in this individual right of action appeal because the agency proved by clear and convincing evidence that the agency would have taken the same personnel actions (conducting an investigation into the appellant's misconduct, issuing a notice of proposed removal, and assigning her to an alternate work location) in the absence of the appellant's whistleblowing disclosures. The court also affirmed the administrative judge's conclusion that the agency did not subject the appellant to a hostile work environment because she failed to prove that the agency's actions were sufficiently severe or pervasive to constitute a material change in her working conditions.

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