



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for October 5, 2018

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NONPRECEDENTIAL COURT DECISIONS

Ogburn v. Merit Systems Protection Board, [No. 2018-1716](#) (Fed. Cir. Oct 2, 2018) (MSPB Docket No. DC-0841-18-0135-I-1): The court affirmed the administrative judge's decision dismissing for lack of jurisdiction the appellant's appeal of a rescinded final decision by the Office of Personnel Management regarding the appellant's disability retirement benefits. The court also found that, insofar as the appellant raised claims of involuntary retirement and a negative suitability determination, the Board lacked jurisdiction because the appellant was an employee of the Office of the Director of National Intelligence, which is excluded from the reach of 5 U.S.C. § 7511.

Jolley v. Merit Systems Protection Board, [No 2018-1538](#) (Fed. Cir. Oct. 2, 2018) (MSPB Docket Nos. SF-4324-17-0728-I-1, AT-3330-18-0074-I-1): The court affirmed administrative judge's decisions dismissing for lack of jurisdiction the appellant's nonselection appeals under the Veterans Employment Opportunities Act and the Uniformed Services Employment and Reemployment Rights Act of 1994.

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