



## U.S. MERIT SYSTEMS PROTECTION BOARD

### **Case Report for July 12, 2019**

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#### **NONPRECEDENTIAL COURT DECISION**

*Moore v. Department of Homeland Security*, [No. 2018-1985](#) (Fed. Cir. July 9, 2019): The court affirmed the arbitrator's decision upholding the petitioner's removal from her position as a Deportation Officer for lack of candor. The court found that the arbitrator properly considered the *Douglas* factors and did not act arbitrarily and capriciously by refusing to consider as comparators individuals whose penalties emanated from a last chance settlement agreement. The court concluded that substantial evidence supported the arbitrator's findings that the agency proved the charge and that removal promoted the efficiency of the service.

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