



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for August 9, 2019

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NONPRECEDENTIAL COURT DECISIONS

Bebley v. Department of the Air Force, [No. 2018-2221](#) (Fed. Cir. Aug. 2, 2019) (MSPB Docket No. DA-0752-17-0349-I-1): The court affirmed the Board's decision in this removal appeal. The agency removed the petitioner for conduct unbecoming a Federal employee. After the close of the record before the administrative judge, the petitioner argued that the agency had violated his due process rights by considering his criminal record without notifying him it would do so. The administrative judge affirmed the petitioner's removal; in doing so, she rejected the petitioner's due process argument, finding that the deciding official did not consider the petitioner's criminal history in deciding to remove him. The court found that the agency's removal action was supported by substantial evidence. The court did not reach the merits of the petitioner's due process argument, finding that the petitioner failed to timely raise it before the administrative judge.

Uribe v. Department of Homeland Security, [No. 2018-1415](#) (Fed. Cir. Aug. 7, 2019) (MSPB Docket No. DA-0752-17-0364-I-1): The court affirmed, per Rule 36 judgment, the Board's decision that upheld the petitioner's removal.

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