



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for December 13, 2019

Note: These summaries are descriptions prepared by individual MSPB employees. They do not represent official summaries approved by the Board itself, and they are not intended to provide legal counsel or to be cited as legal authority. Instead, they are provided only to inform and help the public locate Board precedents.

NONPRECEDENTIAL COURT DECISIONS

Barr v. Merit Systems Protection Board, No. [2019-1273](#) (Fed. Cir. Dec. 9, 2019) (MSPB Docket No. CH-315H-18-0485-I-1): The court affirmed the Board's decision to dismiss for lack of jurisdiction the appeal challenging the appellant's termination from his Sheet Metal Mechanic position during his probationary period for "negligence in the performance of duties." The court noted that the appellant has not alleged, nor did the record suggest, that he was terminated based on partisan political reasons, marital status, or any proscribed form of discrimination. The court rejected the appellant's argument regarding the applicability of 5 C.F.R. § 315.806(c), which applies to terminations based on pre-appointment conditions, because his termination was based on unsatisfactory completion of an assignment during his probationary period.

Baker v. Office of Personnel Management, No. [2018-2324](#) (Fed. Cir. Dec. 6, 2019) (MSPB Docket No. DE-0839-18-0111-I-2): The court affirmed, per Rule 36 judgment, the administrative judge's initial decision, which affirmed the Office of Personnel Management's reconsideration decision that found that the appellant could not revoke his July 28, 1988 election of coverage under the Federal Employees' Retirement System.

[MSPB](#) | [Case Reports](#) | [Recent Decisions](#) | [Follow us on Twitter](#) | [MSPB Listserv](#)