



## U.S. MERIT SYSTEMS PROTECTION BOARD

### Case Report for January 10, 2020

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#### NONPRECEDENTIAL COURT DECISIONS

*Holland v. Merit Systems Protection Board*, No. [2019-1388](#) (Fed. Cir. Jan. 6, 2020) (MSPB Docket No. DE-0752-18-0332-I-1): The court affirmed the administrative judge's decision dismissing for lack of jurisdiction the petitioner's appeal of his termination during his trial period. The court concluded that the Board lacked jurisdiction over the termination for the following reasons: (1) the termination did not constitute a suitability action over which the Board could assert jurisdiction; (2) the petitioner was not an employee under 5 U.S.C. § 7511 and did not have a right to appeal to the Board under 5 U.S.C. § 7513; and (3) the petitioner was not serving in a "hybrid" competitive-excepted service appointment; rather, he was serving in an excepted service position and thus could not invoke 5 C.F.R. §§ 315.805 and 315.806 as bases for jurisdiction. Finally, the petitioner's due process challenge fails because he lacks a protected property interest that would entitle him to due process.

*Sorrells v. Department of Justice*, No. [2019-1206](#) (Fed. Cir. Jan. 9, 2020) (MSPB Docket No. SF-4324-15-0584-I-2): The court affirmed, per Rule 36, the administrative judge's decision denying the petitioner's request for corrective action under the Uniformed Services Employment and Reemployment Rights Act of 1994.

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