



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for January 17, 2020

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NONPRECEDENTIAL COURT DECISIONS

Knowles v. Department of Veterans Affairs, No. [2019-1987](#) (Fed. Cir. Jan. 10, 2020) (MSPB Docket No. AT-1221-19-0047-W-1): The court affirmed the administrative judge's initial decision denying the appellant's request for corrective action under the Whistleblower Protection Act. The appellant challenged several personnel actions, including two suspensions and a notice of proposed removal. The appellant made protected disclosures that were contributing factors in the personnel actions, but the agency proved by clear and convincing evidence that it would have taken the same actions notwithstanding the appellant's protected disclosures. The court found substantial evidence to support the administrative judge's application of the *Carr* factors, i.e. that the agency presented strong evidence in support of its actions, there was little to no retaliatory motive on the part of the responsible officials, and there was no evidence concerning the agency's treatment of similarly situated non-whistleblowers.