



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for March 13, 2020

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COURT DECISIONS

NONPRECEDENTIAL:

Cochran v. Merit Systems Protection Board, [No. 2019-1986](#) (Fed. Cir. March 11, 2020) (MSPB Docket No. PH-0841-19-0023-I-1): The court affirmed the administrative judge's initial decision dismissing the appeal for lack of jurisdiction because the Office of Personnel Management (OPM) had not rendered a final decision concerning the calculation of the appellant's disability retirement annuity. The court agreed with the administrative judge that OPM had not rendered a final decision and that OPM's 6-month delay in rendering a final decision was not unreasonable. The court also rejected the appellant's argument that the Board has jurisdiction over her appeal as a mixed-case appeal, finding that the appellant did not expressly allege that she had been constructively discharged and her passing reference to an equal employment opportunity complaint she had filed against her supervisor was insufficient to render her retirement appeal a mixed-case appeal.