



## U.S. MERIT SYSTEMS PROTECTION BOARD

### **Case Report for August 14, 2020**

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#### **COURT DECISIONS**

##### **NONPRECEDENTIAL:**

*Freeland v. Department of Homeland Security*, No. [2020-1344](#) (Fed. Cir. Aug. 7, 2020) (MSPB Docket No. CH-0752-18-0077-I-2): The court affirmed the administrative judge's decision sustaining the petitioner's removal for lack of candor during his background investigation regarding the circumstances under which he left his previous position. The court determined that the petitioner's arguments did not warrant reversal of the decision below. In particular, among other things, the court found that the absence of information on the petitioner's resignation Standard Form (SF) 50 regarding a 14-day suspension and workplace sexual harassment investigation pending at the time of his resignation is not dispositive as to whether the petitioner resigned under unfavorable circumstances. The court also observed that an intent to deceive and personal gain are not elements of a lack of candor charge but were properly considered in the agency's penalty analysis.

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