



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for June 18, 2026

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COURT DECISIONS

NONPRECEDENTIAL:

Gomez v. Department of Veterans Affairs, No. [2025-1266](#) (Fed. Cir. June 17, 2026) (MSPB Docket No. NY-1221-17-0105-B-1). The court affirmed the Board's final order in this individual right of action appeal. The court affirmed the Board's decision to deny corrective action on the merits because the petitioner did not prove that he disclosed a plan to circumvent veterans preference hiring requirements and because his grievance activity was unrelated to a protected disclosure. The court found no error in the Board's determination that it lacked jurisdiction over the agency's denial of the petitioner's request to reclassify his position because he failed to nonfrivolously allege that the agency's discretionary decision constituted a protected disclosure.

McGowan v. Office of Personnel Management, No. [2024-1891](#) (Fed. Cir. June 15, 2026) (MSPB Docket No. DC-844E-22-0044-I-1). The court affirmed the Board's final order sustaining an Office of Personnel Management (OPM) reconsideration decision that denied the petitioner's application for disability retirement benefits. The court rejected the petitioner's argument that the Board excluded his medical evidence on the basis that it was subjective, finding that the Board correctly

considered the subjective medical evidence but found that it was not credible. The court also found that the Board did not abuse its discretion by considering evidence that OPM submitted with its post-hearing brief, noting that the petitioner failed to timely object to the proposed evidence.

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