



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for May 16, 2025

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COURT DECISIONS

NONPRECEDENTIAL:

Bowden v. Department of Veterans Affairs, No. [2024-1968](#) (Fed. Cir. May 15, 2025) (MSPB Docket No. SF-1221-18-0323-W-1). The court affirmed the Board's decision denying the appellant's request for corrective action in her individual right of action appeal. The court found no basis for setting aside the Board's determination that the agency met its burden of showing that it would have removed the appellant notwithstanding her protected disclosures.

Medwetz v. Merit Systems Protection Board, No. [2024-1969](#) (Fed. Cir. May 14, 2025) (MSPB Docket No. PH-0752-22-0113-I-1). The court affirmed the Board's final order dismissing the appellant's involuntary resignation appeal for lack of jurisdiction. The court considered the appellant's argument that his resignation was based on improper acts by the agency because the agency allegedly coerced his statement admitting to misconduct and then relied on it in proposing his removal; however, the court found this argument unpersuasive.

Schultz v. Department of Veterans Affairs, No. [2024-2326](#) (Fed. Cir. May 12, 2025) (MSPB Docket No. CH-3330-17-0162-P-1). The court affirmed the Board's final order denying the appellant's request for various types of damages, including lost wages and benefits.

Knight v. Office of Personnel Management, No. [2025-1125](#) (Fed. Cir. May 9, 2025) (MSPB Docket No. DE-844E-23-0139-I-1). The court affirmed the Board's final order, which affirmed the reconsideration decision of the Office of Personnel Management dismissing the appellant's application for disability retirement under the Federal Employees' Retirement System as untimely filed. The court found that substantial evidence supported the Board's determination that the appellant did not establish that the 1-year deadline for filing an application for disability retirement should be waived due to mental incompetence.

Casimier v. Office of Personnel Management, No. [2024-2251](#) (Fed. Cir. May 9, 2025) (MSPB Docket No. AT-0831-19-0460-I-1). The court affirmed the Board's decision dismissing the appeal based on res judicata. The court considered the appellant's argument that res judicata did not apply because "new evidence" supported the appeal. However, the court found that such evidence did not constitute a new violation by the agency; rather, the appellant was attempting to recover under the same cause of action that had previously been adjudicated.

Defrank v. Merit Systems Protection Board, No. [2024-2284](#) (Fed. Cir. May 9, 2025) (MSPB Docket No. AT-1221-22-0154-W-1). The court affirmed the Board's decision dismissing the appellant's individual right of action appeal for lack of jurisdiction, finding no error in the Board's determinations that the appellant did not make a nonfrivolous allegation of a protected disclosure under 5 U.S.C. § 2302(b)(8) and did not nonfrivolously allege that his Office of Inspection General complaint was a contributing factor to a personnel action.

Hawker v. Merit Systems Protection Board, No. [2024-1697](#) (Fed. Cir. May 9, 2025) (MSPB Docket No. DC-1221-22-0006-W-1). The court affirmed the Board's decision, which affirmed as modified the initial decision dismissing the appellant's individual right of action appeal for lack of jurisdiction. The court found no reason to disturb the Board's determination that the appellant failed to nonfrivolously allege that he made a protected disclosure that was a contributing factor in a personnel action.

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