U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for November 13, 2026

Note: These summaries are descriptions prepared by individual MSPB employees. They do not represent official summaries approved by the Board itself, and they are not intended to provide legal counsel or to be cited as legal authority. Instead, they are provided only to inform and help the public locate Board precedents.

COURT DECISIONS

NONPRECEDENTIAL:

Weber v. Merit Systems Protection Board, No. 2026-1564 (Fed. Cir. Nov. 9, 2026) (MSPB Docket No. CH-0841-24-0244-I-1). The court affirmed the Board's decision to dismiss Mr. Weber's appeal, involving OPM's denial of his retirement benefits, with prejudice for failure to prosecute. The court noted that Mr. Weber did not join a scheduled telephonic status conference, he missed the rescheduled telephonic status conference, and he did not respond to the administrative judge's order to show cause, which required him to explain why he failed to appear at the status conferences. On review, Mr. Weber did not argue that the Board improperly dismissed his appeal for failure to prosecute. The court found that he forfeited any challenge on this issue, and it was not an abuse of discretion for the Board to determine that his actions evinced an intent to abandon the appeal.

Bruzzese v. Merit Systems Protection Board, No. 2026-1704 (Fed. Cir. Nov. 9, 2026) (MSPB Docket No. NY-1221-24-0233-W-1). The court affirmed the Board's decision to dismiss Mr. Bruzzese's individual right of action appeal pursuant to collateral estoppel. The court found that the claims that Mr. Bruzzese raised in this appeal, i.e., that his

reassignment was retaliatory and did not comport with due process, were identical to the claims that he raised before the Board in his 2020 appeal, the issues were actually litigated before the Board and necessary to the disposition of that matter, and Mr. Bruzzese was a party and represented himself in the 2020 appeal.

Ciers v. Merit Systems Protection Board, No. 2026-1767 (Fed. Cir. Nov. 10, 2026) (MSPB Docket No. CH-0353-24-0272-I-1). The court affirmed the Board's decision to dismiss Mr. Ciers's restoration appeal for lack of jurisdiction. The court agreed with the Board that Mr. Ciers was removed for cause substantially unrelated to his compensable injury, and it found that there was no completed post-removal appointment; therefore, Mr. Ciers was not an employee entitled to restoration rights.