



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for October 15, 2021

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NONPRECEDENTIAL COURT DECISIONS

Miranne v. Department of the Navy, No. [21-1497](#) (Fed. Cir. Oct. 8, 2021) (AT-0752-19-0669-I-3)

The appellant was removed on a charge of disrespectful and improper conduct after he sent an accusatory email to coworkers and supervisors, suggesting that they were complicit in a conspiracy to commit fraud by wrongfully designating his position as sensitive. On appeal, the Board sustained the charge, found the penalty justified, and rejected the appellant's affirmative defense of whistleblowing reprisal. The appellant then appealed to the Federal Circuit, which affirmed the Board's decision. With regard to the whistleblowing claim, the court agreed with the Board's determination that the appellant lacked a reasonable belief that the information he disclosed in the email evidenced a violation of law, rule, or regulation, or any other type of wrongdoing covered under 5 U.S.C. § 2302(b)(8)(A). The court further found that the Board's findings regarding the charge and penalty were supported by substantial evidence.

Manivannan v. Department of Energy, No. [20-1804](#) (Fed. Cir. Oct. 12, 2021) (PH-1221-18-0230-W-3)

The appellant petitioned the court for review of a Board decision denying his request for corrective action under the Whistleblower Protection Act. The court affirmed the Board's decision without opinion, pursuant to Rule 36.

Harrison v. Department of the Army, No. [21-1626](#) (Fed. Cir. Oct. 14, 2021)
(DA-0432-20-0465-I-1)

The appellant petitioned the court for review of a Board decision sustaining his removal for unacceptable performance. The court affirmed the Board's decision without opinion, pursuant to Rule 36.

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