



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for September 12, 2025

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NONPRECEDENTIAL:

Faris v. Merit Systems Protection Board, Nos. [2024-2004](#), [2024-2005](#) (Fed. Cir. Sept. 11, 2025) (CH-0353-20-0494-I-1, CH-0752-20-0205-I-1) The court affirmed the Board's order dismissing the appellant's removal and constructive suspension appeals for lack of jurisdiction. The Board determined that the agency removed the appellant after he violated a last chance agreement, and the appellant failed to prove that his entry into the agreement was unknowing or involuntary. The Board determined that the appellant did not prove that his absence leading up to his removal was the result of any wrongful agency action.

Ziegler v. Department of the Interior, No. [2025-1093](#) (Fed. Cir. Sept. 9 2024) (DE-3443-06-0454-C-4) The court affirmed the Board's order dismissing the appellant's Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) appeal as barred by collateral estoppel. In a prior Board appeal, the appellant raised various challenges to the validity of his 2008 settlement agreement with the agency, in which he released his USERRA claims. In 2022, the court issued a decision that affirmed the Board's determination that the 2008

agreement was valid and enforceable. In the instant case, the court discerned no basis to disturb the Board's determination that the appellant's instant challenges to the same 2008 settlement agreement were barred by his prior litigation of the same matters.

Rose v. Department of the Air Force, 2025-1120 (Fed. Cir., Sep.5, 2025) (DC-0752-22-0510-I-1) The court affirmed the Board's decision affirming the agency action removing the appellant for failure to meet a condition of employment (obtaining Information Assurance Certification within 6 months of beginning work). Among other things, the court found unpersuasive the appellant's argument that the Board erroneously conducted a *Douglas* factors analysis on the agency's behalf when the agency failed to conduct one in removing the appellant.

Gladden v. Department of Defense, No. 2024-2227, (Fed. Cir. Sep. 5, 2025) (DC-0752-18-0553-I-1) The court affirmed the Board's decision affirming the agency action removing the appellant from his Medical Support Assistant position based on the charges of inappropriate conduct and violation of HIPAA.

[MSPB](#) | [Case Reports](#) | [Recent Decisions](#) | [Follow us on X \(formerly Twitter\)](#) and [LinkedIn](#) | [MSPB Listserv](#)