



## U.S. MERIT SYSTEMS PROTECTION BOARD

### Case Report for September 19, 2025

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#### COURT DECISIONS

##### NONPRECEDENTIAL:

*Edwards v. Office of Personnel Management*, No. [2024-1889](#) (Fed. Cir. Sep. 15, 2025). The court affirmed the determination of the Office of Personnel Management and the Board that Ms. Edwards's request for reconsideration of her disability retirement denial was untimely and that she did not establish that waiver or equitable tolling should apply. The court declined to consider arguments that were not timely raised before the administrative judge.

*Russell v. Department of the Air Force*, No. [2025-1158](#) (Fed. Cir. Sep. 15, 2025). The court affirmed the denial of corrective action in the petitioner's individual right of action appeal. It found that the petitioner's arguments amounted to disagreements with the administrative judge's credibility determinations, which are "virtually unreviewable" on appeal. The court also found that the petitioner did not prove that a purported gap in the recorded hearing testimony prejudiced her rights.

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