



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for September 25, 2026

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COURT DECISIONS

PRECEDENTIAL:

Petitioner: Babatunde Oguntade

Respondent: Merit Systems Protection Board

Tribunal: U.S. Court of Appeals for the Federal Circuit

Case Number: [No. 2025-1114](#)

MSPB Docket No. DC-1221-23-0169-W-1

Issuance Date: September 22, 2026

JURISDICTION

GROSS MISMANAGEMENT

The court reversed the Board's order dismissing the petitioner's individual right of action appeal for lack of jurisdiction.

Holding: The petitioner preserved his claims for review.

1. Employees must raise issues before the Board with sufficient specificity and clarity so that the tribunal is aware that it must decide the issue.
2. However, the pleadings of pro se litigants are held to "less stringent standards than formal pleadings drafted by lawyers."
3. The petitioner's mention of certain disclosures in his complaint to the Office of Special Counsel and in his response to the administrative judge's jurisdictional order was sufficient to bring the claims within the scope of review.

Holding: The petitioner made a nonfrivolous allegation that his disclosure evidenced a reasonable belief of gross mismanagement pursuant to 5 U.S.C. § 2302(b)(8).

1. In determining Board jurisdiction over a whistleblower action, the question of whether the employee has nonfrivolously alleged protected disclosures that contributed to a personnel action must be determined based on whether the employee alleged sufficient factual matter, accepted as true, to state a claim that is plausible on its face.
2. A belief is reasonable if a disinterested observer with knowledge of the essential facts could reach the same conclusion.
3. The court found that the petitioner had a reasonable belief that the agency's use of artificial intelligence on claims for disability benefits, without certain modifications recommended by the petitioner, was slowing down claims processing and evidenced a serious error by the agency. The court found that he also had a reasonable belief that the agency was not sufficiently evaluating the use of artificial intelligence and its efficacy.
4. The court explained that the agency processes over 1.5 million claims per year, and the petitioner's belief that the agency's use of artificial intelligence without modification was, or could be, "significant." The court found that this serious error was "not debatable among reasonable people."
5. The court emphasized that the petitioner's disclosures were not vague, conclusory, or insufficient. Rather, they were detailed and well supported with explanations and statistical analyses.
6. Because the court found that the petitioner nonfrivolously alleged a reasonable belief that his disclosures evidenced gross mismanagement, it did not reach the issue of whether his disclosures evidenced a gross waste of funds.
7. The court reversed and remanded for further proceedings.

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