UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

GEORGE E. STEPHENS, Appellant, v. OFFICE OF PERSONNEL MANAGEMENT, Agency. (CSA 2 671 150)	DOCKET NUMBER SF831184A9006-1 DATE: OCT 2 2 1987

Stanley Lubin, Esquire, Phoenix, Arizona, for the appellant.

Neale Ainsfield, Washington, D.C., for the agency.

BEFORE

Daniel R. Levinson, Chairman
Maria L. Johnson, Vice Chairman
Dennis M. Devaney, Member

Chairman Levinson issues a separate opinion concurring in the result.

ORDER

After full consideration, the Board DENIES the appellant's petition for review of the initial decision issued on July 21, 1987, because it does not meet the criteria for review set forth at 5 C.F.R. § 1201.115. This is the Board's final order in this appeal. The initial decision in this appeal is now final. 5 C.F.R. § 1201.113(b).

NOTICE TO APPELLANT

You may petition the United States Court of Appeals for the Federal Circuit to review the Board's decision in your appeal if the court has jurisdiction. 5 U.S.C. § 7703. The address of the court is 717 Madison Place, N.W., Washington, D.C. 20439. The court must receive the petition no later than thirty days after you or your representative receives this order.

FOR THE BOARD:

Robert E. Taylor
Clerk of the Board

Washington, D.C.

SEPARATE OPINION OF CHAIRMAN DANIEL R. LEVINSON, CONCURRING IN RESULT

I concur that the appellant is not entitled to an award of attorney fees, but for reasorsapart from those upon which the Administrative Judge relied. For the reasons set forth in my dissenting opinion in Stephens v. Office of Personnel Management, 33 M.S.P.R. 292, 303 (Levinson, dissenting) (1987), I do not believe that the Board should consider the appellant's application for attorney fees.

Date: OCT 22 1987

Daniel R. Levinson
Chairman

Washington, D.C.