

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE**

MARTIN AKERMAN,
Appellant,

DOCKET NUMBER
DC-0752-23-0457-I-1

v.

DEPARTMENT OF THE ARMY,
Agency.

DATE: May 22, 2023

ORDER DENYING MOTION FOR SPECIAL PANEL

On May 20, 2023, the appellant filed a motion to appoint a special panel. *See* Appeal File (AF), Tab 40. Specifically, he requested a special panel consisting of the Privacy and Civil Liberties Oversight Board, the Supreme Court of Nevada, the Office of Special Counsel, the Merit Systems Protection Board, the Office of Labor Management and Employee Relations, the Office of Personnel Management, and the Department of Labor. As the appellant's motion has no foundation in law and Congress has not authorized the creation of such a panel, it is **DENIED**.

Moreover, I find the appellant's motion to be meritless and frivolous. This is not the appellant's first meritless or frivolous motion as he has established of pattern of filing such motions and requests for relief. *See* AF, Tabs 7, 10, 27, 29, 31, 33, 35, 37, and 38; *see also, Akerman v. Austin*, 2022 WL 16700382 (E.D.Va. Nov. 3, 2022) (District Court warned the appellant in regard to filing frivolous and repetitive motions for relief, including meritless and duplicative motions; "even though [the appellant] has already been warned twice that filing 'unnecessary, frivolous, and repetitive motions' for relieve may result in sanctions, including dismissal of his complaint;" "Plaintiff also filed another

meritless motion . . . As there is no basis for any of the frivolous relief requested in the Motion for Default Judgment. . . .”). An administrative judge may impose sanctions against a party for failure to follow the Board's regulations or failure to follow an administrative judge's orders. 5 C.F.R. § 1201.43; *Morris v. Office of Personnel Management*, 37 M.S.P.R. 401, 404 (1988). Sanctions should be imposed when a party has failed to exercise due diligence in complying with any order, or when a party has exhibited negligence or bad faith in its efforts to so comply. *Gumper v. Department of Justice*, 51 M.S.P.R. 394, 397 (1991).

The appellant is advised that if he continues to file frivolous and/or meritless motions wasting the valuable time of the Board, I will be forced to issue an order to show cause as to why he should not be sanctioned, including up to dismissal of his appeal, for his failure to exercise due diligence in complying with Board regulations and my orders.

As the issue currently before me is whether the Board has jurisdiction over the appellant's claims, the parties are **ORDERED** to focus their efforts on the jurisdictional issues. Additionally, as previously noted, the appellant may supplement his jurisdictional response – *see* AF, Tab 19 – no later than **June 8, 2023**. The agency may submit a jurisdictional response no later than **June 20, 2023**. The record on jurisdiction will close on **June 20, 2023, or when the agency submits its jurisdictional response, whichever is earlier.**

FOR THE BOARD:

_____/S/
Joshua Henline
Administrative Judge

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

Appellant

Electronic Mail Martin Akerman
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May 22, 2023
(Date)

/s/

Tonya Holman
Paralegal Specialist