

MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

Docket # DC-0752-23-0457-I-1

Motion for Reconsideration

Summary Page

Case Title : MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

Docket Number : DC-0752-23-0457-I-1

Pleading Title : Motion for Reconsideration

Filer's Name : Martin Akerman

Filer's Pleading Role : Appellant

Details about the supporting documentation

N/A

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Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

Enter Online

2. Please enter text of your pleading.

Upon careful review of your previous orders, it has become apparent that critical issues related to the application of a "Burgess Notice," as stipulated in *Burgess v. Merit Systems Protection Board*, 758 F.2d 641 (Fed. Cir. 1985), may have been overlooked or not fully addressed. A "Burgess Notice" serves to inform parties of the requirements for proof of jurisdiction and/or the merits of the type of appeal filed, along with the associated affirmative defenses. It ensures parties' right to a fair process and should precede any adverse ruling. While acknowledging your earlier orders regarding my burden for each claim (AF, Tabs 3, 4, 14, 20, and 26), I respectfully submit that a thorough "Burgess Notice," inclusive of all standards of proof, burdens, and potential issues, is fundamental to my understanding of the requirements of this case. The necessity of such a notice is not merely procedural but serves as an integral part of the due process intended to prevent any potential miscarriage of justice. Consequently, I kindly request your reconsideration of the necessity for a comprehensive "Burgess Notice" in my case, as well as a reassessment of the Board's jurisdiction over my claims. Thank you for your thoughtful consideration of this motion. I await your response.

3. Does your pleading assert facts that you know from your personal knowledge?

Yes

4. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Washington Regional Office	Motion for Reconsideration	e-Appeal / e-Mail
Jenny Lin Naylor Agency Representative	Motion for Reconsideration	e-Appeal / e-Mail