

**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 4, 2023

ORDER TO CLARIFY CLAIM

On May 3, 2023, the appellant filed an appeal wherein he identified the following personnel action: an involuntary retirement removal/constructive discharge/dismissal. Appeal File (AF), Tab 1. Nevertheless, in his Motion for Certification and Stay he stated, his “right to disability retirement, which is the case before the [B]oard,” and he further referenced, “the denial of disability retirement.” AF, Tab 7 at 3. Moreover, he cited Board case law related to “disability retirement determinations.” *Id.* Therefore, I **ORDER** the appellant to file a **brief**¹ statement informing me whether he is challenging his June 2022 alleged involuntary retirement/constructive discharge and/or an Office of

¹ A response to this Order should require no more than two to three sentences. For example, if you are challenging OPM’s decision, you may state, “I am challenging OPM’s March 21, 2022 decision to deny me disability retirement. OPM’s decision is attached.” Or, you may state, “I am challenging OPM’s March 21, 2022 decision to deny me disability retirement, but I have not received OPM’s reconsideration decision.” If you are challenging an alleged June 2022 involuntary retirement/constructive discharge, you may state, “I am challenging my involuntary retirement/constructive discharge.” If the appellant is not challenging either a constructive removal or an OPM decision to deny him disability retirement, he shall briefly state exactly the action he is challenging in this appeal.

Personnel Management's (OPM) final reconsideration decision denying him a disability retirement annuity. If he is challenging OPM's decision to deny him a disability retirement annuity, he is **ORDERED** to provide the date that he received OPM's final reconsideration decision and a copy of OPM's final reconsideration decision. *See DeGrant v. Office of Personnel Management*, 107 M.S.P.R. 414 (2007) (the Board generally lacks jurisdiction to hear an appeal of a retirement matter when OPM has not issued a reconsideration decision on the matter).

The appellant's response to this Order is due no later than **May 11, 2023**. Unless otherwise noted above, the appellant shall not file evidence or documents with his brief statement, nor should he brief any claim related to his alleged involuntary retirement/constructive discharge – or any other issue. Instead, he must focus his **brief** statement on whether he is challenging an OPM decision in regard to his request for a disability retirement annuity.

Depending on the appellant's response, I may change this appeal's docket number and/or case caption, or I may docket a new appeal (e.g., a retirement-related appeal).

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

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May 4, 2023

(Date)

/s/

Tonya Holman
Paralegal Specialist