

MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

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

Request for Status Conference and Burgess Order

Summary Page

Case Title : MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

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

Pleading Title : Request for Status Conference and Burgess Order

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?

See attached pleading text document

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

Yes

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

Yes

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

MARTIN AKERMAN,
Appellant,
V.
NATIONAL GUARD BUREAU,
Agency.

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

DATE: May 18, 2023

REQUEST FOR STATUS CONFERENCE AND BURGESS ORDER

I am writing pro se following your order dated May 17, 2023, which partially addressed my request for clarification. In accordance with the provisions set forth in Chapter 9 - Prehearing and Status Conferences, I respectfully request a status conference to address the multifaceted issues that are integral to this case.

I. Lodged Complaints and Petitions:

Before initiating this appeal, I lodged three complaints with the respective agencies, and I submitted two petitions to the Supreme Court of Nevada. The details are as follows:

A. Complaints:

1. Federal Labor Relations Authority (FLRA): I filed a complaint (eFiling No. eOGC014048) highlighting the following concerns:
 - a. Cessation of benefit payments provided by the American Postal Workers Union (APWU).
 - b. Prevention of my membership in a Legal Insurance group exclusively available to Federal Employees.

- c. Alleged falsehoods by the Agency to the Office of Personnel Management's Labor Management & Employee Relations (OPM LMER), potentially undermining intended procedural safeguards for federal employees.
2. Department of Labor's Veterans' Employment and Training Service (DOL VETS): I lodged a complaint regarding a perceived violation of General Garduno's rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). To date, I have not received any response or indication from DOL VETS regarding the initiation of a case.
3. Privacy and Civil Liberties Oversight Board (PCLOB): I filed a complaint with the PCLOB to establish that in addition to being a case of harmful procedural error and retaliation under USERRA, my case is also one of civil forfeiture, false arrest, and false imprisonment in either the jurisdiction of Nevada or the Administrative State.

B. Petitions:

1. Supreme Court of Nevada - Writ of Habeas Corpus: I submitted a petition seeking relief pertaining to the issues at hand in this case, related to violations of procedural safeguards, as afforded under 5 U.S.C. 7513 and 5 U.S.C. 6329b, as investigated by OSC.
2. Supreme Court of Nevada - Replevin: I filed a petition highlighting the need to recover specific properties, including the right to due process and disability retirement, as they relate to civil forfeiture under 5 USC 7513, as investigated by OSC.

II. Motion Filed with the Fourth Circuit:

Furthermore, on May 8, 2023, I filed a MOTION with the Fourth Circuit under case numbers 22-2147, 22-2066, and 22-2154. The motion seeks the following:

1. The Court to provide 120 days for the Office of Special Counsel to conduct an exhaustive administrative investigation, allowing administrative agencies to address matters such as civil forfeiture, false arrest, and related concerns.
2. Judicial notice of the fraudulent conduct by one of the Appellees.
3. Relief from the judgment entered on November 3, 2022, pursuant to FRAP Rule 60.
4. Remand of the case for the limited purpose of seeking justice in the State of Nevada and this Administrative State, while the Fourth Circuit retains jurisdiction.

III. Request for Status Conference:

Given the gravity and complexity of the issues involved, I kindly request an early status conference. Such a conference would provide a vital opportunity to address the extensive range of matters integral to this case comprehensively. The issues at hand constitute a serious breach of trust, with far-reaching implications not only in my life but also in the life of General Garduno and implications related to national security.

IV. Standardized Orders - "Burgess" Notice:

In accordance with the provisions outlined in Chapter 9, I respectfully request the issuance of the appropriate standardized Order and Notice of Hearing and Prehearing Conference (HEARREG or HEAROPM) in this case. These standardized orders are crucial in ensuring that all parties involved are fully informed of the burdens and standards of proof relevant to the claim. This will

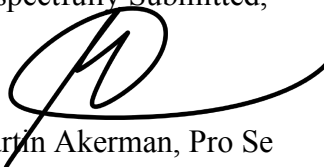
help foster transparency, fairness, and efficiency in the proceedings while potentially avoiding any future remands.

V. Commitment to Adherence:

I assure the court of my unwavering commitment to adhere to the regulations delineated in § 1201.73(d), including actively communicating and discussing anticipated motions with the opposing party to foster a cooperative approach in resolving disputes, as specified in § 1201.73(c)(1). Moreover, I am formally noting that I am currently engaged in negotiations for a proposed motion for extension and discovery with Lt Col Naylor. This course of action stems from my firm belief that there have been harmful procedural errors within the agency's actions, specifically concerning General Garduno of the Nevada Air National Guard. I suspect that these errors involve the misrepresentation of information and the unjustified denial of our rights.

In conclusion, I reiterate my respectful request for a status conference to address the multifaceted issues encompassing this case. The complexity and far-reaching implications necessitate a comprehensive examination and discussion of the matters at hand. I am confident that a status conference will contribute significantly to the pursuit of justice and the fair resolution of this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Martin Akerman', written over a horizontal line.

Martin Akerman, Pro Se

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	Request for Status Conference and Burgess Order	e-Appeal / e-Mail
Jenny Lin Naylor Agency Representative	Request for Status Conference and Burgess Order	e-Appeal / e-Mail