

MARTIN AKERMAN v. DEPARTMENT OF THE ARMY
Docket # DC-0752-23-0457-I-1
Request for Rejection Orders to State Issues of Material Fact in Petitions
Summary Page

Case Title : MARTIN AKERMAN v. DEPARTMENT OF THE ARMY

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

Pleading Title : Request for Rejection Orders to State Issues of Material Fact in Petitions

Filer's Name : Martin Akerman

Filer's Pleading Role : Appellant

Details about the supporting documentation

N/A

Table of Contents

Pleading Interview	3
Certificate of Service	5

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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.

In *Haines v. Merit Sys. Prot. Bd.*, the Federal Circuit held as follows: The Civil Service Reform Act (CSRA) "comprehensively overhauled the civil service system." *Lindahl v. OPM*, 470 U.S. 768, 773, 84 L. Ed. 2d 674, 105 S. Ct. 1620 (1985). In view of the "elaborate remedial system that has been constructed step by step, with careful attention to conflicting policy considerations," *Bush v. Lucas*, 462 U.S. 367, 388, 76 L. Ed. 2d 648, 103 S. Ct. 2404 (1983), the Supreme Court, as we have noted, "has declined to grant federal employees access to the courts beyond that provided in the CSRA itself." *Carter v. Gibbs*, 909 F.2d 1452, 1456 (Fed. Cir.) (in banc), cert. denied, 498 U.S. 811 (1990). See also *United States v. Fausto*, 484 U.S. 439, 445, 98 L. Ed. 2d 830, 108 S. Ct. 668 (1988) [**5] (CSRA's "integrated scheme of administrative and judicial review" barred review by the Claims Court of personnel decisions covered by the CSRA but also facially giving rise to claims for back pay). Consistent with the Supreme Court's admonitions to refrain from inventing new remedies in this area, we look to the Board's regulation at 5 C.F.R. Â§ 1201.113 to determine what constitutes a "final order" for jurisdictional purposes. Cf. *Strickland v. MSPB*, 748 F.2d 681, 684 (Fed. Cir. 1984) ("Finality of an initial decision is governed by 5 C.F.R. Â§ 1201.113."). The Appellant requests for the record to be updated so that the rejection orders properly convey facts that are now lost, as a result of the rejected pleadings. This includes the fact that the Petitioner is appealing the denial of a Special Panel (Third Denial of Certification) to allow for the Administrative State to remedy the Appellant's petition for writ of habeas corpus and replevin in parallel with the Supreme Court of Nevada, in the interest of justice and efficiency, together with his affirmation committing to file the response to the jurisdictional order on the merits of the case before the court in a complete and timely manner. Jurisdiction to convene the Special Panel rests with MSPB. Jurisdiction over Habeas Corpus is arguably spread across different administrative agencies, necessitating the Special Panel.

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	Request for Rejection Orders to State Issues of Material Fact in Petitions	e-Appeal / e-Mail
Jenny Lin Naylor Agency Representative	Request for Rejection Orders to State Issues of Material Fact in Petitions	e-Appeal / e-Mail