

**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 3, 2023

**ORDER ON THE APPELLANT'S MOTION FOR EXTENSION AND
ATTORNEY REPRESENTATION**

On May 3, 2023, the appellant filed a request for a 60-day extension of time to respond to the Orders to Show Cause and he also requested that I appoint him an attorney to represent him in this appeal. *See* Appeal File (AF), Tab 5. As to his request for a 60-day extension of time, he stated he needed additional time because he has Post Traumatic Stress Disorder. *Id.* Regarding his request for an attorney, he averred he could not afford an attorney to represent him. *Id.*

Request for Extension

I find the appellant has established good cause for an extension of time to respond to the Orders to Show Cause. Nevertheless, I find his request for a 60-day extension of time is not supported by his request and it is unreasonable. For these reasons, the appellant's request for an extension of time is **GRANTED**, in part, and **DENIED**, in part. Accordingly, the appellant shall submit his response(s) to the Orders to Show Cause – AF, Tabs 3 and 4 – so that it is received by me and the agency's representative no later than **June 8, 2023**. The agency's response is due no later than **June 20, 2023**.

Unless I tell the parties otherwise, the record on jurisdiction and timeliness will close on **June 20, 2023**, or if the appellant fails to timely respond to this order, the record will close on **June 8, 2023**. That means I will not accept any more evidence or argument prior unless the party submitting it shows that the evidence or argument was not readily available prior to the close of the record or is in rebuttal to evidence or argument submitted by the other party just before the close of the record. 5 C.F.R. § 1201.58(c).

Request for an Attorney

While it is clear that the appellant has a statutory right to be represented by an attorney or other representative under 5 U.S.C. § 7701(a)(2), it is the appellant's obligation to secure representation. *See Thompson v. United States Coast Guard*, 10 MSPB 397, 11 M.S.P.R. 461, 462 (1982). The Board is not required by law, rule, or regulation to appoint counsel for an appellant. *See Robinson v. Veterans Administration*, 33 M.S.P.R. 483, 486 (1987); *Thompson*, 11 M.S.P.R. at 462. Based on the foregoing, the appellant request for me to appoint him an attorney is **DENIED**.

Submission of Documents

As part of the appellant's motion, he submitted documents that are not relevant to the pending motion and there appears to be no reasonable basis for him to file such extraneous documents at this time. For example, he submitted a document in regard to a claim that he was falsely imprisoned. *See AF*, Tab 5. The appellant is hereby advised that **I will not accept "document dumps" or duplicative submissions into the record unless the documents are clearly identified and are accompanied by a narrative statement or other document that describes the evidentiary value of the document (i.e., each exhibit should be cited in the narrative statement). In addition, I will not extraneous documents into the record.** Thus, in this appeal, any documents the parties submit should be relevant to an issue in this appeal; cited in their narrative response(s) to the Orders to Show Cause; and comply with the Board's rules and

regulations (i.e., all electronic submissions must be bookmarked or tabbed. **Each bookmark or tab must contain a description of the document (e.g., Exhibit A – SF-50, dated October 1, 2016)).**

If either party files extraneous documents; fails to follow the Board's rules or regulations; or otherwise files a submission not in compliance with the above requirements – I may reject the document/submission. If rejected, the document or submission will be deleted from the docket and it will not be made a part of the appeal record in this matter.

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 3, 2023

(Date)

/s/

Joshua Henline
Administrative Judge