

**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 23, 2023

**ORDER REJECTING SUBMISSION**

On May 23, 2023, the appellant submitted a facsimile which included communications between the parties, the Board's Office of Regional Operations (ORO), and duplicative documents already in the appeal file. I have previously informed the appellant several times that he is not permitted to file extraneous and duplicative documents. *See e.g.*, Appeal File (AF), Tab 6 at 2-3. Accordingly, the appellant's May 23, 2023 submission by facsimile is **REJECTED**.

Moreover, despite my explicit warnings concerning his repeated filings of frivolous and meritless motions, he continues to submit frivolous and meritless request. For example, his submission did not include a narrative statement and it included a Notice of Intent to Appeal for the United States Court of International Trade – the appellant marked through the United States Court of International Trade, replacing it with the “Merit Systems Protection Board.” His filing is also perplexing to the extent he referenced an appeal of the Third Order Denying Motion for Certification of Interlocutory Appeal because, on May 4, 2023, I unambiguously informed him:

Turning to the appellant's request in regard to his avenues of appeal or to file a petition for review of the Order, there is no direct appeal from an administrative judge's ruling on a motion to certify an interlocutory appeal as such matters are properly raised in petition for review after the administrative judge issues an initial decision. 5 C.F.R. § 1201.93(b) ("If the judge denies the motion, the party that sought certification may raise the matter at issue in a petition for review filed after the initial decision is issued") (emphasis added); *Bauer v. Department of Treasury*, 4 M.S.P.R. 357 (1980); *Warren v. Office of Personnel Management*, 15 M.S.P.R. 353 (1983); *Ragland v. Internal Revenue Service*, 2 M.S.P.R. 238 (1980) (review of an administrative judge's denial of certification of an interlocutory appeal is not available during the course of the proceedings).

AF, Tab 11. Therefore, I find his May 23, 2023 submission by facsimile to be meritless, frivolous, and in violation of my prior orders. Accordingly, the appellant is again warned that if he continues to violate Board regulations and my orders, he may be sanctioned. *See* AF, Tab 41.

FOR THE BOARD:

/S/

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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  
2001 North Adams Street  
Unit 440  
Arlington, VA 22201

### Agency Representative

Electronic Mail      Jenny Lin Naylor  
Department of the Army  
111 S. George Mason Dr., Bldg 2  
Arlington, VA 22204

May 23, 2023

(Date)

/s/

Tonya Holman  
Paralegal Specialist