

# U.S. MERIT SYSTEMS PROTECTION BOARD

## Office of the Clerk of the Board

1615 M Street, N.W.  
Washington, D.C. 20419-0002

Phone: 202-653-7200; Fax: 202-653-7130; E-Mail: [mspb@mspb.gov](mailto:mspb@mspb.gov)

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**January 19, 2024**

Notice to:

Sherman S. Startz, Jr.  
550 Lebo Boulevard  
Bremerton, WA 98310

Re: Sherman S. Startz, Jr. v. Department of the Army  
MSPB Docket Number: SF-1221-23-0258-W-1

The Board acknowledges January 17, 2024 as the filing date of the appellant's petition for review. The agency may file a response, or file a cross petition for review, on or before February 11, 2024. A cross petition for review differs from a response because it also disagrees with the initial decision. If a cross petition for review is filed, any response must be filed within 25 days after the date of service of the cross petition. Any response or cross petition for review is limited to 30 pages or 7500 words, whichever is less.

The appellant may file a reply to the response to the petition for review within 10 days after the date of service of the response. A reply may not be more than 15 pages or 3750 words, whichever is less, and is limited to the factual and legal issues raised in the response to the petition for review. A request to submit any pleading in excess of the limits described above must be submitted in accordance with 5 C.F.R. § 1201.114(h) and will be granted only in exceptional circumstances.

The filing date of any submission described above is the date the document is postmarked, if mailed; the date the document is received by the Board, if personally delivered; the date the facsimile of the document was sent; or the date of electronic submission, if filed via e-Appeal. All submissions must be served on each party and representative and must include a certificate of service. The parties are informed that the Clerk of the Board may reject any submissions that do not substantially conform to the procedural requirements of 5 C.F.R. Part 1201, subpart C. You may review the Board's petition for review procedures at 5 C.F.R. § 1201.114.

The record closes when the time period ends for filing a reply to a response to the petition for review or a response to a cross petition for review. The Board

will not accept any pleading other than the ones described above unless the party files a motion and obtains leave from the Clerk of the Board to file an additional pleading. Any such motion must describe the nature of and need for the pleading. 5 C.F.R. § 1201.114(a)(5). Additionally, after the record closes, the Board may accept an additional submission other than the pleadings described above only if the party was granted leave to file such pleading and the submission includes a statement that convinces the Board that the submission was not readily available before the record closed. 5 C.F.R. § 1201.114(k). All parties are reminded that they must notify the Board and each other in writing of any changes in representation and/or address.

The Board encourages settlement. If the parties settle and they enter a written settlement agreement into the record, the Board will enforce the terms. The Board has no enforcement authority over settlement agreements that are not entered into its record.

Jennifer Everling  
Acting Clerk of the Board

*Markita Bryant*

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Markita Bryant  
Paralegal Specialist

## CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

### Appellant

Electronic Service      Sherman Startz  
Served on email address registered with MSPB

### Agency Representative

Electronic Service      Charles Eiser  
Served on email address registered with MSPB

### Agency Representative

Electronic Service      Pacific Region  
Served on email address registered with MSPB

01/19/2024

(Date)

*Markita Bryant*

Markita Bryant  
Paralegal Specialist