

U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Clerk of the Board

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January 24, 2024

Notice to:

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

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

The Board has received your filings dated January 20, 2024 in which you submit additional pleadings. The Board's regulations do not provide for pleadings other than a petition for review, a cross petition for review, a response to the petition for review or cross petition for review, and a reply to a response to a petition for review. 5 C.F.R. § 1201.114(a)(5). A descriptions of these pleadings and the time limits for filing them are set forth in the Board's regulations. 5 C.F.R. § 1201.114(a), (e). For the Board to consider a party's pleading, other than one of those set forth above, the party must describe the nature and need for the pleading. 5 C.F.R. § 1201.114(a)(5). If a party wishes to submit a pleading after the record has closed, the party must also show that the evidence was not readily available before the record closed. 5 C.F.R. § 1201.114(a)(5), (k).

On January 19, 2024, the Board acknowledged receipt of your petition for review and informed you that, should the agency file a response to your petition for review, you may then file a reply to the agency's response. As the agency has not filed a response to your petition for review to date, you may not at this time file an additional pleading without first submitting a motion requesting leave to file an additional pleading, as described above. Accordingly, your January 20, 2024 additional pleadings have been removed from the case record and marked as "Rejected" in e-Appeal. You may access and/or download the rejected pleadings in the Pleading Listing of your appeal for 7 days; after this time, they will be deleted by the e-Appeal system.

You may submit a motion, as described above, that requests leave to file an additional pleading. Please do not include your additional pleading with your

motion. If you choose to submit a motion, you will be informed at a later date of the Board's decision to grant or deny your request. If the Board grants your request, you will be given 10 days in which to submit your additional pleading to the Board. For more information about the Board's petition for review process, please review the Board's regulations at 5 C.F.R. § 1201.114 - 1201.120.

Jennifer Everling
Acting Clerk of the Board

Dinh Chung

Dinh Chung
Case Management 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

01/24/2024

(Date)

Dinh Chung

Dinh Chung

Case Management Specialist