



U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Clerk of the Board

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December 30, 2022

Notice to:

Sherman S. Startz
116 Kelsan Way
Fairbanks, AK 99709

Re: Sherman S. Startz v. Department of the Army
MSPB Docket Number: SF-315H-22-0532-I-1

The Board has received your filings dated December 23, 2022 in which you submit five additional pleadings, two titled as “Cross Petition for Review,”¹ two titled as “Submission of Settlement Agreement,”² and one titled as “Response to Respondent’s Rejection of Pleadin[g] dated 12/7/2022.” 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 description 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).

If you filed your additional pleadings by non-electronic means, such as fax or U.S. mail, it is being returned to you at this time via U.S. mail. If you submitted your additional pleadings through e-Appeal, they have been deleted from the e-Appeal

¹ A cross petition for review has the same meaning as a petition for review but is used to describe a pleading that is filed by a party when another party has already filed a timely petition for review. 5 C.F.R. § 1201.114(a)(2). Because you have filed a petition for review, you may not file a cross petition for review.

² Neither of your submissions titled as “Submission of Settlement Agreement” contain a signed settlement agreement; rather, they appear to contain your proposed terms of settlement. If you are interested in settlement, you may wish to refer to the information regarding the petition for review settlement program included with the October 21, 2022 petition for review acknowledgment letter or to contact the agency directly.

Repository and will be returned to you via separate email. 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

/s/
Molly A. Leckey _____
Legal Counsel

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 Sherman S. Startz
116 Kelsan Way
Fairbanks, AK 99709

Agency Representative

Electronic Mail Charles Eiser
Department of the Army
1046 Marks Road
Fort Wainwright, AK 99701

Electronic Mail Pacific Region
Department of the Army
USARMY IMCOM
DSN 315-438-2147
Fort Shafter, HI 96858

December 30, 2022

(Date)

/s/

Molly A. Leckey
Legal Counsel