



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for September 6, 2024

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COURT DECISIONS

NONPRECEDENTIAL:

Wilson v. Merit Systems Protection Board, [2024-1355](#) (Fed. Cir. September 5, 2024) (CH-1221-23-0231-W-1) (per curiam). The court affirmed the Board's decision dismissing the petitioner's individual right of action (IRA) appeal for lack of jurisdiction on the basis that the petitioner's alleged disclosures concerned allegations of discrimination and retaliation for engaging in equal employment opportunity activity, claims over which the Board lacks jurisdiction in an IRA appeal.

McAlman v. Department of the Interior, [2023-2392](#) (Fed. Cir. September 5, 2024) (NY-1221-17-0233-W-1) (per curiam). The court affirmed the Board's decision denying the petitioner's request for corrective action in her IRA appeal. The court found no error in the Board's findings that, even assuming the petitioner engaged in protected activity in connection with her union grievances, prior complaints to the Office of Special Counsel, and prior Board appeal, she failed to establish that these activities were a contributing factor in the agency's decision to take any of the challenged personnel actions because the officials who took

the challenged actions did not have knowledge of the petitioner's protected activities, the allegedly retaliatory personnel actions were too remote in time from the protected activities, or the allegedly retaliatory personnel actions predated the protected activities.

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