

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE**

MIKE WEBB,

Appellant,

DOCKET NUMBER
DC-3443-18-0299-I-1

v.

DEPARTMENT OF DEFENSE,
Agency.

DATE: April 4, 2018

NOTICE AND ORDER TO PARTIES

On February 3, 2018, the appellant registered as an e-filer and electronically filed this Board appeal. Appeal File (AF), Tab 1. In his appeal, he appeared to argue that the agency improperly offered him a federal position(s) in 2016. *Id.* On February 6, 2018, I issued an Acknowledgment Order and a jurisdictional show cause order. *Id.*, Tabs 2 and 3. On February 12, 2018, the appellant hand delivered a 31-page single-spaced written jurisdictional response to the Clerk's Office in Washington, D.C., and the Clerk's office forwarded the response to this office shortly thereafter. *Id.*¹ The appellant, however, did not apparently serve the agency with his response as required by Board regulations. *Id.*

On April 3, 2018, my office uploaded the appellant's response to the electronic case file. *See* AF, Tab 4. In addition, we discovered that the agency

¹ Attached to the appellant's response was a compact disc (CD) containing hundreds of pages of random documents that are referenced in his response as an "Appendix of Exhibits." AF, Tab 4 at 29. The CD and the contents therein are hereby rejected for failure to comply with the Board's pleading requirements. *See id.*, Tab 2 at 4-6.

did not receive copies of the appellant's initial appeal and my related orders.² As such, these documents have now been served on the agency and the agency has designated a representative for this appeal. *Id.*, Tab 5.

Accordingly, the agency is ordered to file any response to the jurisdictional issue in this case **on or before April 11, 2018**. The appeal also appears to be untimely filed³ and barred by the doctrine of collateral estoppel as noted in my show cause order. Although the Board appears to lack jurisdiction over this appeal, the agency may also address the timeliness and estoppel issues in its jurisdictional response as necessary.

FOR THE BOARD:

/S/
Andrew Niedrick
Administrative Judge

² The Board electronically served these documents on Robert Schapler at the agency. Mr. Schapler, however, has retired and is no longer an agency employee.

³ The appellant has filed numerous Board appeals in the past and is well aware of the filing deadlines for a Board appeal. *See* 5 C.F.R. § 1201.22; *see also* MSPB Docket Nos. DC-3443-17-0822-I-1, DC-3443-17-0823-I-1, and DC-3443-18-0183-I-1.

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 Mike Webb
1210 S Glebe Road
#40391
Arlington, VA 22204

Agency Representative

Electronic Mail Devon L. Zebrovius
Department of Defense
7400 Pentagon
Attn: OGC-Litigation
Washington, DC 20301-7400

April 4, 2018
(Date)

/s/
Latisha Clinton
Paralegal Specialist