

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

JOANNA E. HARTY,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2020-2133

Petition for review of the Merit Systems Protection Board in No. NY-844E-20-0153-I-1.

Decided: February 11, 2021

JOANNA E. HARTY, Ridge, NY, pro se.

DELISA SANCHEZ, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for respondent. Also represented by JEFFREY B. CLARK, REGINALD THOMAS BLADES, JR., ROBERT EDWARD KIRSCHMAN, JR.

Before LOURIE, CHEN, and HUGHES, *Circuit Judges*.

PER CURIAM.

Ms. Joanna Harty appeals from a decision of the Merit Systems Protection Board (Board) upholding the Office of Personnel Management (OPM) decision denying her application for disability retirement benefits. Because Ms. Harty alleges only factual error in the Board's decision, for which we are without jurisdiction to review, we *dismiss* this appeal.

BACKGROUND

Ms. Harty served as a mail clerk at the Internal Revenue Service (IRS) for a number of years before her removal on April 1, 2019. App'x at 2.¹ Ms. Harty alleges that during her performance of the duties of her job on August 22, 2018, she injured her back while lifting a heavy "bucket of work." *Id.* at 3. Following her removal, Ms. Harty sought disability retirement benefits from the IRS, submitting various doctors' notes as supporting evidence, including one from three days after the alleged injury occurred (August 25, 2018), and a report from an MRI taken on May 23, 2019. *Id.* at 2–3.

OPM denied Ms. Harty's claim for benefits on November 1, 2019. App'x at 20. OPM determined that Ms. Harty did "not meet the criteria for federal disability entitlement and [is] not disabled within the meaning of the retirement law." *Id.* In reaching this determination, OPM reasoned that "the medical evidence does not support [that Ms. Harty's] medical condition is incompatible with either useful or efficient service or retention in the position of record." *Id.* Ms. Harty sought reconsideration of this decision and OPM again denied Ms. Harty's claim. *See* App'x at 23.

¹ Citations to App'x refer to the appendix submitted with the government's brief.

Ms. Harty appealed the OPM denial to the Board, which likewise concluded that she had not met her burden of demonstrating her entitlement to disability retirement benefits. App'x at 4. The Board credited Ms. Harty's testimony and evidence that she "remains in severe pain" after injuring her back "lift[ing] a heavy bucket of work." *Id.* at 4–5 (citing Ms. Harty's testimony). Nonetheless, the Board concluded the entirety of the record evidence "does not support a finding that her injury constituted a disability under the law" *Id.* at 5. The Board explained that the evidence before it, while demonstrating injury, did not demonstrate disability. *See id.* at 5–6. Moreover, the Board declined to credit the MRI, in part because the record "contains no medical evidence linking the MRI results to her claimed trauma." *Id.* at 6. Ms. Harty appeals this denial decision to our court.

DISCUSSION

On appeal, Ms. Harty asks the court to reconsider her claim for disability retirement benefits, including both the decision that she did not meet the standard to show that her injury constituted disability under the law and the Board's refusal to credit her MRI. *See* Petitioner's Br. at 5–6.

This court's review of a claimant's entitlement to disability retirement benefits is very limited. We cannot review the factual underpinnings of a disability determination. *See Lindahl v. Off. of Pers. Mgmt.*, 470 U.S. 768, 791 (1985) (citing 5 U.S.C. § 8347(c)). Under § 8347(c), factual "questions of disability and dependency" are "final and conclusive and are not subject to review." Whether substantial evidence supports the Board's disability determination is not a challenge within this court's jurisdiction. *Baker v. Off. of Pers. Mgmt.*, 782 F.2d 993, 994 (Fed. Cir. 1986). We have jurisdiction to determine only "whether there has been a substantial departure from important procedural rights, a misconstruction of the governing legislation, or

some like error going to the heart of the administrative determination.” *Lindahl*, 470 U.S. at 791 (citation and internal quotation marks omitted).

Ms. Harty asks this court to reconsider the evidence she presented to the Board and to overturn the Board’s determination. This sort of re-weighing of evidence is precluded by § 8347(c), and thus, this court is without jurisdiction to review her fact-based challenge. *See id.* Likewise, we cannot review Ms. Harty’s contention that the MRI evidence should be afforded more weight than the Board gave it. Such a determination falls squarely within the statute’s mandate that OPM is to determine all “questions of disability and dependency.” § 8347(c). The record leaves little doubt that Ms. Harty suffers from back pain, but we lack the authority to consider her challenge to OPM’s and the Board’s fact findings that the submitted evidence did not demonstrate that “her injury constituted a disability under the law.” App’x at 5.

CONCLUSION

Because Ms. Harty’s appeal raises only issues that are beyond this court’s jurisdiction, the case is dismissed.

DISMISSED

COSTS

No costs.

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
NEW YORK FIELD OFFICE**

JOANNA E. HARTY,
Appellant,

DOCKET NUMBER
NY-844E-20-0153-I-1

v.

OFFICE OF PERSONNEL
MANAGEMENT,
Agency.

DATE: July 16, 2020

Joanna E. Harty, Ridge, New York, pro se.

Shawna Hopkins, Washington, D.C., for the agency.

BEFORE

Nicole DeCrescenzo
Administrative Judge

INITIAL DECISION

On May 11, 2020, the appellant filed an appeal with the Merit Systems Protection Board (Board) from an Office of Personnel Management (OPM) decision that denied her application for disability retirement benefits. Appeal File (AF), Tab 1. On July 7, 2020, I held the appellant's requested hearing, and closed the record. AF, Tab 10. For the reasons discussed below, OPM's reconsideration decision is AFFIRMED.

Background and Summary of Record Evidence

The following facts are not disputed in this record.

Before she stopped working, the appellant worked as a clerk for the Internal Revenue Service, GS-0305-04. AF, Tab 5 at 50. The record reflects that the IRS removed her effective April 1, 2019 for misconduct, specifically, “claiming government benefits you were not entitled to.” AF, Tab 5 at 27. The IRS stated elsewhere in the record that the appellant’s removal had to do with conduct involving “the state.”¹ *Id.* at 8.

The record contains a handwritten note from the appellant stating that on August 22, 2018, she injured her back when she “lifted a heavy bucket of work.” AF, Tab 5 at 62. At hearing, she clarified the bucket contained paper clerical work, and was not particularly heavy. Hearing Recording, Appellant’s Testimony. She testified at hearing that she experienced severe pain at that moment of lifting the bucket, and stopped work. *Id.* She explained she filed a workers compensation claim, which was denied. *Id.* She stated that after the denial, she attempted to work on one day, but stopped after a few hours, because everything caused her excruciating pain. Her hearing testimony was consistent with her statement in support of her disability retirement: constant, agonizing, sharp, shooting pain. *Id.*; AF, Tab 5 at 34.

The IRS’ statement on accommodation stated that agency concluded the medical documentation appellant filed prior to her removal “does not document a disabling medical condition.” AF, Tab 5 at 39.

The record reflects the appellant went to an urgent care on August 25, 2018, three days after her injury. AF, Tab 5 at 8. The urgent care doctor wrote a note excusing her from work for three days. *See id.* The record reflects she visited

¹ The record does not contain the removal documents. The appellant did not address her removal at hearing. Hearing CD.

the same doctor on August 31, 2018. *Id.* at 9. He referred her to an orthopedist and cleared her to return to work on September 17, 2018. *Id.* The record reflects the appellant filed at least one more medical excuse to the IRS, extending her leave. *Id.*

OPM's initial decision also considered a document dated September 25, 2018. *Id.* OPM noted the letter was not printed on medical letterhead and that substantive words in the document were altered in pen. *Id.* The letter, signed by Dr. Kyle Keane, stated the appellant had back pain and was not cleared to return to work, with no explanation. *Id.* at 10. The letter stated the appellant was "otherwise without acute symptoms and denies any other joint pains, numbness, weakness, paresthesia, or any other related or unrelated injury or trauma." *Id.*

The appellant filed additional documentation with her request for reconsideration. See AF, Tab 4 at 6. A March 3, 2018 X-ray of the appellant's thoracic spine showed "degenerative changes of thoracic spine, and one of her lumbar spine showed "scoliosis and degenerative changes." See *id.*

The September 25, 2018 documentation from Dr. Keane documented the appellant's subjective report of severe pain since her claimed injury, the appellant's subjective report that prescribed muscle relaxers provided temporary relief, and that during an exam, the appellant raised her left leg easily and her right leg did not raise at all. *Id.*

There is no indication in the record that the appellant sought treatment for her injury after September 2018.

After her removal from federal employment, the appellant had an MRI on May 23, 2019. *See id.* The summary of her MRI showed "moderate" "degenerative changes" of her lumbar spine, and "moderate narrowing of spinal canal L4-L5." *Id.*

The OPM issued an initial decision denying the appellant's application on November 1, 2018. AF, Tab 5 at 2019. OPM found the appellant's medical condition does not constitute a disability under the applicable law. *Id.*

The appellant requested reconsideration. AF, Tab 4 at 10. The OPM issued its final decision on March 25, 2020. *Id.* at 5. This appeal followed.

Applicable Law and Findings

The appellant bears the burden to prove her entitlement to benefits by preponderant evidence. *Johnson v. Office of Personnel Management*, 87 M.S.P.R. 192, ¶13 (2000). To be eligible for a disability retirement annuity under FERS, she must establish that: (1) She has completed 18 months of creditable service in a position under FERS; (2) while employed in a position subject to FERS, she became disabled because of a medical condition, resulting in a deficiency in performance, conduct, or attendance, or if there is no such actual service deficiency, the disabling condition is incompatible with either useful and efficient service or retention in the position; (3) the condition is expected to continue for at least one year; and (4) the employing agency is unable to accommodate the condition in the position held or in an existing vacant position. 5 U.S.C. §8337 (a); 5 C.F.R. §831.1203 (a); *Kardatzke v. Office of Personnel Management*, 92 M.S.P.R. 74, ¶ 5 (2002). Here, there is no dispute that the appellant satisfied the first of these elements. However, for the reasons discussed below, I find the appellant did not meet her burden of proof with respect to the remaining elements.

The appellant failed to proffer preponderant evidence that she became disabled as a result of her claimed injury.

At hearing, I observed that the appellant's ability to express herself clearly is limited. Hearing CD. Nonetheless, the record reflects that the appellant's subjective experience of her injury has been consistent throughout the record. Further, OPM introduced no contradictory evidence. I, therefore, find that on August 22, 2018, the appellant hurt her back when she "lifted a heavy bucket of

work." She experienced pain that she described as "excruciating." I find that later, she attempted to perform her assigned duties, but stopped after a few hours, because everything caused her intolerable pain. I credit her undisputed testimony that she remains in severe pain. Hearing CD.

However, while the appellant's testimony of her experience is clear, the remainder of the record does not support a finding that her injury constituted a disability under the law, and for the reasons discussed below, I cannot find the appellant's subjective reporting of her symptoms constitutes preponderant evidence of disability. *Carter v. Office of Personnel Management*, 64 M.S.P.R. 619, 625 (1994)(objective medical evidence and subjective medical evidence are among several factors to be considered). Here, while the record supports a finding that the appellant subjectively experiences severe pain, there is less than preponderant evidence that she suffered a disabling traumatic injury at work.

As discussed above, neither the IRS nor the OPM considered the appellant's medical notes holding her out of work for limited periods of time to be documentation of an injury severe enough to rise to the level of a disability under the law. Further, the appellant explained in her hearing testimony, the Department of Labor denied her request for workers compensation benefits for this injury. I find this is evidence that the DOL did not deem her injury to be severe enough to warrant benefits. While this evidence is not dispositive of the issues before me, I find it weighs against the appellant's burden.

Moreover, as discussed above, the objective evidence does not suggest a disability: The appellant first sought medical treatment three days after the reported injury. I find this is inconsistent with instantaneously debilitating trauma. When she did seek treatment, her doctor's initial note reflects his expectation that she would need to rest for three days. I find this evidence weighs against the appellant's burden.

In addition, the x-ray readings filed by the appellant note only "degenerative changes" and "scoliosis." I find scoliosis is a genetic condition,

and the record does not link the appellant's scoliosis to her claimed traumatic injury. I find degenerative spine changes are consistent with aging, and the record does not link the degenerative changes to the appellant's claimed injury. I find these records do not support the appellant's burden of proof.

The September 25, 2018 Keane note, disregarding its handwritten alterations, relied largely on the appellant's subjective report of severe pain since her claimed injury, and the appellant's subjective report that prescribed muscle relaxers provided temporary relief. Kean noted that during an exam, the appellant raised her left leg easily and her right leg did not raise at all. *Id.* I find such an exam is less than objective medical evidence. I find the Kean note reflects that the appellant's only asserted symptom- pain- can be relieved with medication. Further, the note did not identify any medical limitations to the appellant's performance of her assigned clerical duties. I find this record does not support the appellant's burden of proof.

Moreover, the record reflects the Kean visit is the last medical treatment the appellant sought while employed at the IRS. This contributes to my finding that there is less than preponderant evidence of a disabling condition that lasted more than one year. *See Kardatzke* at ¶ 5.

Lastly, OPM noted that the appellant's MRI should not be considered because it was read after her removal from the federal service. I credit the OPM's argument that the *post hoc* MRI cannot support a finding that the appellant became disabled while employed under FERS. *See id.* The MRI summary showed the appellant's spinal conditions as of March 2019 to be, in all respects, "moderate." This contributes to a finding that there is less than preponderant evidence of a disabling condition. In addition, the record contains no medical evidence linking the MRI results to her claimed trauma, and I find they are not.

In summary, for all the reasons above, I find less than preponderant record evidence supports a finding that the appellant's August 2018 injury was disabling under the law. Accordingly, OPM's reconsideration decision must be affirmed.

DECISION

The agency's reconsideration decision is AFFIRMED.

FOR THE BOARD:

_____/S/
Nicole DeCrescenzo
Administrative Judge

NOTICE TO APPELLANT

This initial decision will become final on August 20, 2020, unless a petition for review is filed by that date. This is an important date because it is usually the last day on which you can file a petition for review with the Board. However, if you prove that you received this initial decision more than 5 days after the date of issuance, you may file a petition for review within 30 days after the date you actually receive the initial decision. If you are represented, the 30-day period begins to run upon either your receipt of the initial decision or its receipt by your representative, whichever comes first. You must establish the date on which you or your representative received it. The date on which the initial decision becomes final also controls when you can file a petition for review with one of the authorities discussed in the "Notice of Appeal Rights" section, below. The paragraphs that follow tell you how and when to file with the Board or one of those authorities. These instructions are important because if you wish to file a petition, you must file it within the proper time period.

BOARD REVIEW

You may request Board review of this initial decision by filing a petition for review.

If the other party has already filed a timely petition for review, you may file a cross petition for review. Your petition or cross petition for review must state your objections to the initial decision, supported by references to applicable laws, regulations, and the record. You must file it with:

The Clerk of the Board
Merit Systems Protection Board
1615 M Street, NW.
Washington, DC 20419

A petition or cross petition for review may be filed by mail, facsimile (fax), personal or commercial delivery, or electronic filing. A petition submitted by electronic filing must comply with the requirements of 5 C.F.R. § 1201.14, and may only be accomplished at the Board's e-Appeal website (<https://e-appeal.mspb.gov>).

NOTICE OF LACK OF QUORUM

The Merit Systems Protection Board ordinarily is composed of three members, 5 U.S.C. § 1201, but currently there are no members in place. Because a majority vote of the Board is required to decide a case, *see* 5 C.F.R. § 1200.3(a), (e), the Board is unable to issue decisions on petitions for review filed with it at this time. *See* 5 U.S.C. § 1203. Thus, while parties may continue to file petitions for review during this period, no decisions will be issued until at least two members are appointed by the President and confirmed by the Senate. The lack of a quorum does not serve to extend the time limit for filing a petition or cross petition. Any party who files such a petition must comply with the time limits specified herein.

For alternative review options, please consult the section below titled "Notice of Appeal Rights," which sets forth other review options.

Criteria for Granting a Petition or Cross Petition for Review

Pursuant to 5 C.F.R. § 1201.115, the Board normally will consider only issues raised in a timely filed petition or cross petition for review. Situations in which the Board may grant a petition or cross petition for review include, but are not limited to, a showing that:

(a) The initial decision contains erroneous findings of material fact. (1) Any alleged factual error must be material, meaning of sufficient weight to

warrant an outcome different from that of the initial decision. (2) A petitioner who alleges that the judge made erroneous findings of material fact must explain why the challenged factual determination is incorrect and identify specific evidence in the record that demonstrates the error. In reviewing a claim of an erroneous finding of fact, the Board will give deference to an administrative judge's credibility determinations when they are based, explicitly or implicitly, on the observation of the demeanor of witnesses testifying at a hearing.

(b) The initial decision is based on an erroneous interpretation of statute or regulation or the erroneous application of the law to the facts of the case. The petitioner must explain how the error affected the outcome of the case.

(c) The judge's rulings during either the course of the appeal or the initial decision were not consistent with required procedures or involved an abuse of discretion, and the resulting error affected the outcome of the case.

(d) New and material evidence or legal argument is available that, despite the petitioner's due diligence, was not available when the record closed. To constitute new evidence, the information contained in the documents, not just the documents themselves, must have been unavailable despite due diligence when the record closed.

As stated in 5 C.F.R. § 1201.114(h), a petition for review, a cross petition for review, or a response to a petition for review, whether computer generated, typed, or handwritten, is limited to 30 pages or 7500 words, whichever is less. A reply to a response to a petition for review is limited to 15 pages or 3750 words, whichever is less. Computer generated and typed pleadings must use no less than 12 point typeface and 1-inch margins and must be double spaced and only use one side of a page. The length limitation is exclusive of any table of contents, table of authorities, attachments, and certificate of service. A request for leave to file a pleading that exceeds the limitations prescribed in this paragraph must be received by the Clerk of the Board at least 3 days before the filing deadline. Such requests must give the reasons for a waiver as well as the desired length of the

pleading and are granted only in exceptional circumstances. The page and word limits set forth above are maximum limits. Parties are not expected or required to submit pleadings of the maximum length. Typically, a well-written petition for review is between 5 and 10 pages long.

If you file a petition or cross petition for review, the Board will obtain the record in your case from the administrative judge and you should not submit anything to the Board that is already part of the record. A petition for review must be filed with the Clerk of the Board no later than the date this initial decision becomes final, or if this initial decision is received by you or your representative more than 5 days after the date of issuance, 30 days after the date you or your representative actually received the initial decision, whichever was first. If you claim that you and your representative both received this decision more than 5 days after its issuance, you have the burden to prove to the Board the earlier date of receipt. You must also show that any delay in receiving the initial decision was not due to the deliberate evasion of receipt. You may meet your burden by filing evidence and argument, sworn or under penalty of perjury (*see* 5 C.F.R. Part 1201, Appendix 4) to support your claim. The date of filing by mail is determined by the postmark date. The date of filing by fax or by electronic filing is the date of submission. The date of filing by personal delivery is the date on which the Board receives the document. The date of filing by commercial delivery is the date the document was delivered to the commercial delivery service. Your petition may be rejected and returned to you if you fail to provide a statement of how you served your petition on the other party. *See* 5 C.F.R. § 1201.4(j). If the petition is filed electronically, the online process itself will serve the petition on other e-filers. *See* 5 C.F.R. § 1201.14(j)(1).

A cross petition for review must be filed within 25 days after the date of service of the petition for review.

NOTICE TO AGENCY/INTERVENOR

The agency or intervenor may file a petition for review of this initial decision in accordance with the Board's regulations.

NOTICE OF APPEAL RIGHTS

You may obtain review of this initial decision only after it becomes final, as explained in the "Notice to Appellant" section above. 5 U.S.C. § 7703(a)(1). By statute, the nature of your claims determines the time limit for seeking such review and the appropriate forum with which to file. 5 U.S.C. § 7703(b). Although we offer the following summary of available appeal rights, the Merit Systems Protection Board does not provide legal advice on which option is most appropriate for your situation and the rights described below do not represent a statement of how courts will rule regarding which cases fall within their jurisdiction. If you wish to seek review of this decision when it becomes final, you should immediately review the law applicable to your claims and carefully follow all filing time limits and requirements. Failure to file within the applicable time limit may result in the dismissal of your case by your chosen forum.

Please read carefully each of the three main possible choices of review below to decide which one applies to your particular case. If you have questions about whether a particular forum is the appropriate one to review your case, you should contact that forum for more information.

(1) Judicial review in general. As a general rule, an appellant seeking judicial review of a final Board order must file a petition for review with the U.S. Court of Appeals for the Federal Circuit, which must be received by the court within **60 calendar days** of the date this decision becomes final. 5 U.S.C. § 7703(b)(1)(A).

If you submit a petition for review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

(2) Judicial or EEOC review of cases involving a claim of discrimination. This option applies to you only if you have claimed that you were affected by an action that is appealable to the Board and that such action was based, in whole or in part, on unlawful discrimination. If so, you may obtain judicial review of this decision—including a disposition of your discrimination claims—by filing a civil action with an appropriate U.S. district court (*not* the U.S. Court of Appeals for the Federal Circuit), within **30 calendar days after this decision becomes final** under the rules set out in the Notice to Appellant section, above. 5 U.S.C. § 7703(b)(2); *see Perry v. Merit Systems Protection Board*, 582 U.S. _____, 137 S. Ct. 1975 (2017). If the action involves a claim of discrimination based on race, color, religion, sex, national origin, or a disabling condition, you may be entitled to representation by a court-appointed lawyer and

to waiver of any requirement of prepayment of fees, costs, or other security. *See* 42 U.S.C. § 2000e-5(f) and 29 U.S.C. § 794a.

Contact information for U.S. district courts can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

Alternatively, you may request review by the Equal Employment Opportunity Commission (EEOC) of your discrimination claims only, excluding all other issues. 5 U.S.C. § 7702(b)(1). You must file any such request with the EEOC's Office of Federal Operations within **30 calendar days** after this decision becomes final as explained above. 5 U.S.C. § 7702(b)(1).

If you submit a request for review to the EEOC by regular U.S. mail, the address of the EEOC is:

Office of Federal Operations
Equal Employment Opportunity Commission
P.O. Box 77960
Washington, D.C. 20013

If you submit a request for review to the EEOC via commercial delivery or by a method requiring a signature, it must be addressed to:

Office of Federal Operations
Equal Employment Opportunity Commission
131 M Street, N.E.
Suite 5SW12G
Washington, D.C. 20507

(3) Judicial review pursuant to the Whistleblower Protection Enhancement Act of 2012. This option applies to you only if you have raised claims of reprisal for whistleblowing disclosures under 5 U.S.C. § 2302(b)(8) or other protected activities listed in 5 U.S.C. § 2302(b)(9)(A)(i), (B), (C), or (D). If so, and your judicial petition for review “raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D),” then you may file a petition for judicial review with the U.S.

Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction. The court of appeals must receive your petition for review within **60 days** of the date this decision becomes final under the rules set out in the Notice to Appellant section, above. 5 U.S.C. § 7703(b)(1)(B).

If you submit a petition for judicial review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

Contact information for the courts of appeals can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx