

No. 24-6804

IN THE
Supreme Court of the United States

LAWRENCE WHITE,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Federal Circuit**

PETITION FOR REHEARING

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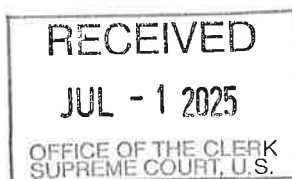


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PETITION FOR REHEARING

This petition is in good faith and not for delay. Petitioner knows that the Supreme Court has a very high standard when it comes to cases especially when it comes to petition for rehearings. Please forgive the petitioner because this case should have never come this far.

DOES SIZE MATTER DOES FACTS MATTER

If the petitioner was represented by a very well known law attorney or law firm, would this matter? Does a good witness character matter? Does accountability and credibility matter?

Petitioner, Lawrence White, is a minister of our Lord Jesus Christ. He retired in 2020 with 3418 hours of sick leave. His last 20 years or more working on the job, he never called in one day asking for sick leave.

REASONS THAT WARRANT REHEARING

Could the Supreme Court have possibly overlooked the Fifth and 14th Amendment of the U.S. Constitution that requires government agencies to provide due process before depriving individuals of property including retirement benefits?

Could you have overlooked that government agencies are legally required to maintain retirement refund records for a variety of reasons including compliance with federal laws.

U.S. Merit System Protection Board composed of three members. A chairman, a vice chairman, and a member, all appointed by the President and confirmed by the Senate.

Without a quorum, the board cannot issue a final decision on petitions for reviews.

On February 13, 2024 FINAL ORDER

The Merit Systems Protection Board used a two panel quorum to decide my case. Cathy A. Harris Vice Chairman, Raymon A. Limon member.

They denied my petition for review.

I challenge their decision making when they don't have at least three members to make a valid decision. Would their decision be procedurally flawed and potentially unlawful? Do two people always agree no?

A two member board can be potentially dead-locked. Would one member decide to agree with the other just for the sake of coming up with the same decision to move the case along?

A two member board lacks authority to issue decisions.

Would the Supreme Court find the Merit Systems Protection Board final order invalid?

Because they didn't have enough members to make a valid decision. Their decision had impact on the administrative judge's decision. Their decision had a significant impact on the Court of Appeals decision. The Court of Appeals decision was based on the merits board invalid decision.

Would this make the Court of Appeal decision invalid also?

Concerning Government Standard Form 2806

On October 8, 2024 OPINION

The Court of Appeals made an error in their interpretation of Standard Form 2806.

They used this form and said the petitioner received a refund of \$4,178.58. The court misunderstood the purpose of this form.

The form 2806 known as the Individual Retirement Record is not a refund payment form. Instead its primary record used by OPM to calculate retirement benefits for separated employees and their survivors. The form itself is not a mechanism for receiving a refund. It serves as a comprehensive record of an employee's service history, salary details, and retirement contributions. This form is used by OPM to track an individual's contributions to the retirement plan. It's a key document for determining retirement benefits, but no direct refund function.

A court stating that this form 2806 is a refund payment form is inaccurate. It is a foundational document for processing claims but the form is not used to authorize or receive the payment itself.

Application for refund of retirement deductions

“CSRS” Standard Form 2802

“FERS” Standard Form 3106

On March 14, 2022 INITIAL DECISION

Administrative Judge Lindsay Harrell misinterpreted the contents of Standard Form 2806.

Is a person innocent until proven guilty?

In Judge Harrell decision, I would like to make some statements that the judge made that are relevant in this case to show that the agency had no proof of a refund payment.

The judge said that OPM authorized the payment of \$4,178.58 to the appellant but has no further information regarding the payment itself.

OPM acting based on the presumption that the appellant received his full refund.

I find the evidence of record suggests he received \$4,178.58.

Although the agency did not produce a voucher indicating that it paid the appellant.

Sometimes a person can assume something to be true but it's not true.

An assumption is not a fact, suggest is not a fact.

Agency did not produce a voucher, that's a fact. No record of a refund was found at the Department of Treasury, that's a fact. No record of a refund was found at the National Personnel Center, that's a fact.

Court of Appeals, Dept. of Justice, Merit Systems Protection Board, OPM Agency, and OPM Retirement Center. They all failed to demonstrate any proof of a refund payment. No receipt, no records.

Due process is one of the most important concepts in the U.S. Constitution. It is mentioned twice in the Constitution in the Fifth Amendment and the 14th Amendment.

When a federal government employee or retiree has worked the past 41 years and 11 months, they are entitled to all the extra retirement service time with interest.

Petitioner worked 46 years and 1 month total government service time. That's 4 years and 2 months past the retirement years. Plus he had 1 year and 7 months extra government service time he retired with 3418 hours of sick leave in 2020. He was expecting all this extra retirement service money with interest, but never received one penny because the agency took it all without notice.

Violation of the Fifth Amendment's due process. It brought many hardships to the petitioner a retiree because he was expecting this extra retirement service money when he retired in 2020. In 2020, the petitioner lost his house. In 2020, the petitioner had nowhere to stay for 21 days. In 2020, the petitioner stayed in a hotel until the Lord made a way for him.

In none of the 4 final decisions did the court, the judge, or the board address this violation of due process by the agency. All their focus seems to have been on the retirement refund from 1979, and paid no attention to the petitioner's retirement in 2020.

A violation of the law by the agency. The agency actions deprived the petitioner of this property interest without providing the constitutionally required due process. The petitioner was not properly informed of the agency intended action and reason for it. The petitioner was not given a meaningful opportunity to

present his case and to challenge the agency decision "*Matthew v. Eldridge*". Were the agency actions authorized by any relevant statute or legal authority. The agency took all of the retiree's extra retirement money and interest without notice.

GOD'S EYES ARE NEVER CLOSED

Petitioner would like the Supreme Court Justices to know a little about him, before I ever knew that I would present a case to the Supreme Court. On October 21, 2024, on the last page in my Petition for Rehearing En Banc to the Court of Appeals I wrote these words:

There is not a day that goes by that I don't pray for the President and Vice President of the United States of America, I'm always praying for the Supreme Court for all those in authority. And since my case and appeal started,

I remember OPM Agency, The Merit Systems Protection Board, Court of Appeals, Department of Justice in my prayers. And even now I pray for all judges, prosecutors, and state officials that the Lord would help you and protect you.

CONCLUSION

What does a petitioner like me do when he's coming before the Supreme Court, the highest court in the United States? What does he do when he knows of the high standard of the Supreme Court? What does he do when the lower court's mischaracterizes government form 2806 as a refund payment and is not? This form 2806 is specifically for tracking retirement contributions and calculating benefits. What does he do when the agency fails to hold its duties and responsibilities

as defined by law, failing to fulfill contractual terms, violating privacy laws and the Constitution.

The invalid decision made by the Merits System Protection Board has altered the legal and factual landscape of this case.

You, the Supreme Court, overturned the *Chevron Doctrine*. You overturned *Roe v. Wade*.

Could you help someone like me?

Petitioner respectfully request that you would reconsider your decision.

Respectfully submitted,



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RULE 44.2 CERTIFICATE

Pursuant to Rule 44.2, the undersigned hereby certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the ground specified in Rule 44.2: it is limited to *intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented*. Petitioner further certifies that the attached petition is presented in good faith and not for delay.

Respectfully submitted,



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APPENDIX

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APPENDIX

Key Documents

No, **Standard Form (SF) 2806**, also known as the **Individual Retirement Record (IRR)**, is not a refund payment form. Instead, it's the primary record used by the Office of Personnel Management (OPM) to calculate retirement benefits for separated employees and their survivors. It reflects mandatory contributions made during an employee's time in the retirement plan. While it's used to determine benefits, the form itself is not a mechanism for receiving a refund. Refunds might be connected to other forms or procedures related to retirement, such as those related to a refund of excess contributions, but SF 2806 is specifically for tracking retirement contributions and calculating benefits.

Here's a more detailed breakdown:

SF 2806 (IRR):

This form is used by OPM to track an individual's contributions to the retirement plan. It's a key document for determining retirement benefits.

No direct refund function:

SF 2806 does not have a feature for directly requesting or receiving refunds. It's focused on tracking and calculating benefits based on contributions.

Related processes for refunds:

If an individual is entitled to a refund of retirement contributions (e.g., for excess contributions or if they separate before becoming eligible for retirement benefits), there would be a separate process and likely a different form or procedure to initiate that refund.

Examples of other forms:

While 2306 is for retirement records, other forms like SF 1199A (Direct Deposit

Sign-Up) and SF 3102 (**Designation of Beneficiary, FERS**) are used for related but distinct purposes (direct deposit of payments and designating beneficiaries for retirement benefits), according to OPM.

A court mistakenly identifying **Standard Form 2806** (Individual Retirement Record) as a refund payment form is incorrect. While SF 2806 is used in processing claims for refunds related to retirement benefits, its primarily a record of an individual's federal service and retirement information, not a payment form itself. Refund payments are initiated through other forms and processes, such as **SF 1199A** (Direct Deposit Form) or Direct Express, once the claim is processed using SF 2806.

Here's a more detailed explanation:**SF 2806:**

This form is a comprehensive record of an employee's federal service, including periods of employment, breaks in service, and other relevant information. it is crucial for calculating and processing retirement benefits, including refunds when applicable.

Refund Payments:

When an employee is eligible for a refund of retirement contributions, its not directly initiated by SF 2806. The refund process is triggered by the information in SF 2806, but the actual payment is facilitated through other forms, like SF '1199A for direct deposit or the Direct Express program.

Court Error:

A court stating that SF 2806 is a refund payment form is inaccurate. It is a foundational document for processing claims, but not the form used to authorize or receive the payment itself.

5 CFR Part 831 -- Retirement - eCFR

RETIRE FAQ:

Question

How do I apply to have my retirement contributions returned to me in a lump sum payment?

Answer

If you are leaving your Federal job and want a refund of your retirement contributions, you can get an application from your personnel office, complete it, and return it to them. If you are no longer in the Federal service, you can acquire the appropriate application from our website. The applications are shown below:

- “Application for Refund of Retirement Deductions (CSRS),” Standard Form (SF) 2802
- “Application for Refund of Retirement Deductions (FERS),” Standard Form (SF) 3106

(The SF-3106A, “Current/Former Spouse’s Notification of Application for Refund of Retirement Deductions under FERS,” is included with this form.)

If you are still working, submit your application to your servicing personnel office.

If you have left Federal service, Submit your application to the Office of Personnel Management (OPM)

