

No. _____

In the SUPREME COURT OF THE UNITED STATES

HENRY E. GOSSAGE, Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD (MSPB), Respondent.

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

MOTION FOR LEAVE TO PROCEED AS A VETERAN

Petitioner will show that he was entitled to proceed as a Veteran in this Court without fees or costs as a Veteran. Petitioner under 38 U.S.C. § 4323(h) and Supreme Court Rule 40, exempting from payment of filing fees and costs in OPM investigation case 01-904-277. The following documents in support of this motion:

1. DD 214 Honorable Discharge;
2. OSH-00-87-01/S-1 Certificate of Eligibles CPS Veteran;
3. November 30, 2000-Pass Over authorization of preference veteran;
4. May 16, 2001-OPM Negative Suitability Determination, debarment, and employment disqualification;
5. December 27, 2004-OPM VACATED Karen McCue's May 16, 2001, Negative Suitability Determination, reinstating Petitioner's Veteran rights to initial Federal Employment.

6. "DO NOT DISCLOSE OUTSIDE OF OPM", OPM's Kimberly Truckley's December 27, 2004, Final OPM decision, Overturning/Vacating Karen McCue's May 16, 2001, initial negative suitability decision.

Petitioner was denied to initial federal employment, as a preference eligible veteran under USERRA. Petitioner's USERRA, VEOA, 5 U.S.C. § 3318, 5 C.F.R. § 300.104 and 5 U.S.C. § 2302 rights were violated in OPM Investigation Case 01-904-277. OPM implemented an employment concealment policy, 5 U.S.C. § 2302(b)(13), and policy/practice, 5 C.F.R. § 300.104, from Lead Specialist Kim Truckley's December 27, 2004, Final OPM 5 C.F.R. § 731 et seq. suitability decision, amending/vacating OPM's Karen McCue's May 16, 2001, negative suitability determination. Based on OPM new, material, and Final December 27, 2004, decision, Henry E. Gossage submitted a new USERRA/VEOA appeal to the MSPB, MSPB SE-0731-01-0261-I-2 and Federal Circuit Court of Appeals (2021-1026), in OPM Investigation Case 01-904-277.

For the above reasons, Petitioner respectfully request the Court accept this petition without costs under Supreme Court Rule 40 and/or 38 U.S.C. § 4323(h).

DATED: April 22, 2021

Respectfully Submitted,

/s/ Henry E. Gossage
Henry E. Gossage, Pro se Veteran
9421 Johnson Pt Lp NE
Olympia, WA 98516

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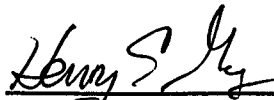
AFFIDAVIT IN SUPPORT

MOTION FOR LEAVE TO PROCEED AS A VETERAN

I, Henry E. Gossage, am the Petitioner in the above-entitled case (USCA 2020-2171), declares that I am a wartime Veteran in support of my motion to proceed as a Veteran, pursuant to Supreme Court Rule 40.

DATED: May 4, 2021

Respectfully Submitted,



Henry E. Gossage, Pro se Veteran
9421 Johnson Pt Lp NE
Olympia, WA 98516

APPENDIX A-1

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

HENRY E. GOSSAGE, Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD, Respondent

2020-2171

Petition for review of the Merit Systems Protection Board
in No. SE-0731-01-0261I-2.

PER CURIAM.

O R D E R

The court dismisses this petition after consideration of the parties' responses to the court's show cause order. The court received petitions from Henry E. Gossage identifying: (1) Office of Personnel Management (OPM) Case 01-904-277; and (2) a November 27, 2019 letter from the Clerk of the Merit Systems Protection Board regarding SE-0731-01-0261-I-2 and SE-0731-01-0261-I-5 explaining to Mr. Gossage that he had no further right to review in those matters.

The court does not have jurisdiction over these matters. This court does not have authority to directly review a decision by OPM. See *In re McAfee*, 65 F. App'x 292 (Fed. Cir. 2003). Moreover, although this court has jurisdiction to review

decisions of the Board, see 28 U.S.C. § 1295(a)(9), the Clerk of the Board's letter is nothing more than an administrative response to a repetitive request to reconsider a matter like those that this court has previously informed Mr. Gossage it lacks jurisdiction to review. See, e.g., *Gossage v. Merit Sys. Prot. Bd.*, No. 2018-1970, slip op. at 2–3 (Fed. Cir. Oct. 3, 2018) (citing *Haines v. Merit Sys. Prot. Bd.*, 44 F.3d 998, 1000 (Fed. Cir. 1995)). The court notes that this is now the fifth dismissal in four months of Mr. Gossage's attempts to dispute or reopen cases associated with SE-0731-01-0261-I-2 and SE-0731-01-0261-I-5. See *Gossage v. Off. of Pers. Mgmt.*, No. 2020-2178 (Fed. Cir. Oct. 20, 2020); *Gossage v. Off. of Pers. Mgmt.*, No. 2020-2194 (Fed. Cir. Oct. 20, 2020); *Gossage v. Off. of Pers. Mgmt.*, No. 2020-2195 (Fed. Cir. Oct. 20, 2020); *Gossage v. Off. of Pers. Mgmt.*, No. 2021-1026 (Fed. Cir. Dec. 18, 2020).

Any future filing pertaining to these matters will likely result in a filing injunction or sanctions.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition is dismissed.
- (2) All pending motions are denied as moot.

FOR THE COURT

/s/ Peter R. Marksteiner

February 18, 2021

Date

**Additional material
from this filing is
available in the
Clerk's Office.**