

25-608

ORIGINAL

No. _____

In the
Supreme Court of the United States

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SUPREME COURT, U.S.

CAMBRA L. LUCAS,

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 A WRIT OF CERTIORARI

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November 19, 2025

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QUESTIONS PRESENTED

1. Whether the Merit Systems Protection Board (MSPB) violated its statutory jurisdiction and due process obligations by failing to provide Petitioner with adequate notice of her right to challenge the validity of federal employee insurance premium overpayments in federal court, as required by the Due Process Clause and Supreme Court precedent.

2. Whether the Federal Circuit erred in affirming MSPB's dismissal of Petitioner's claims, thereby foreclosing judicial review of agency actions affecting substantial property interests, contrary to Supreme Court authority and the strong presumption in favor of judicial review of administrative action.

3. Whether the Merit Systems Protection Board and the Federal Circuit Court of Appeals erred by refusing to address, or refer to the appropriate forum, Ms. Lucas's colorable statute of limitations defense to the Office of Personnel Management's overpayment recovery efforts—despite clear Supreme Court precedent that statutes of limitations serve as jurisdictional bars to untimely government claims—and whether such refusal violates the Board's and the Court's obligations to act in accordance with law and afford individuals a meaningful opportunity to assert their rights.

4. Whether the Merit Systems Protection Board and the Federal Circuit Court of Appeals violated their statutory and constitutional obligations by failing to consider and apply the Board's own controlling precedent in *Arthur I. Martin v. Office of Personnel Management*, 97 M.S.P.R. 303 (2004)—which requires recalculation of alleged overpayments subject to a 10-year limitation and reconsideration of waiver requests—

when adjudicating Petitioner Cambra L. Lucas's challenge to OPM's overpayment recovery efforts, thereby depriving her of the benefit of established Board practice, correct jurisdictional analysis, and a meaningful opportunity to assert her rights, in contravention of the Due Process Clause and Supreme Court authority.

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Federal Circuit

No. 2024-2348

Cambra L. Lucas, *Petitioner*, v.

Office of Personnel Management, *Respondent*

Final Opinion: June 27, 2025

Rehearing Denial: August 27, 2025

U.S. Merit Systems Protection Board

No. SF-0845-13-0413-C-1

Cambra L. Lucas, *Appellant*, v.

Office of Personnel Management, *Agency*

Final Order: August 22, 2024

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OPINIONS BELOW

The opinion of the United States Court of Appeals for the Federal Circuit, dated June 27, 2025 is included in the appendix at App.1a. The MSPB's final order after remand, dated August 22, 2024 is included at App.11a. These opinions and orders were not designated for publication.



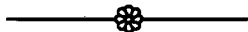
JURISDICTION

The Federal Circuit denied a petition for rehearing en banc on August 27, 2025. (App.64a). This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. amend. V
Due Process Clause
- 28 U.S.C. § 1254(1)
- 5 U.S.C. § 8715
Federal Employees' Group Life Insurance Act
- 5 U.S.C. § 8915
Federal Employees Health Benefits Act
- 31 U.S.C. § 3716(e)(1)
Debt Collection Improvement Act



STATEMENT OF THE CASE

A. Introduction

This case concerns Cambra L. Lucas, a retired federal government employee, and her longstanding dispute with the Office of Personnel Management (OPM) regarding the recovery of an alleged overpayment of retirement annuity benefits. The litigation has involved multiple proceedings before the Merit Systems Protection Board (MSPB) and the U.S. Court of Appeals for the Federal Circuit, focusing on whether Ms. Lucas is entitled to waiver of repayment obligations and the scope of the MSPB's jurisdiction over her claims.

B. Statement of Facts

Ms. Lucas was employed by the federal government from 1985 to 2007. In March 2007, she was approved for disability retirement benefits under the Federal Employees' Retirement System (FERS), administered by OPM, and for disability benefits through the Social Security Administration (SSA). (App.2a)

Between 2007 and 2010, Ms. Lucas received interim annuity payments from OPM. In July 2010, OPM notified her that her annuity had been miscalculated, resulting in an overpayment of nearly \$90,000. The overpayment was attributed to two main errors: (1) failure to reduce her monthly annuity based on SSA benefits, (2) failure to deduct Federal Employee Health Benefit (FEHB) and Federal Employees Group Life Insurance (FEGLI) premiums. (App.3a, App.17a)

Ms. Lucas requested reconsideration of the entire overpayment determination. On April 8, 2013, OPM

issued a final reconsideration decision, affirming the overpayment and denying waiver, while acknowledging that Ms. Lucas was not at fault.

C. Procedural History

1. Proceedings in the Merit Systems Protection Board (Trial Level)

Ms. Lucas timely appealed OPM's reconsideration decision to the MSPB. On July 9, 2013, the administrative judge affirmed OPM's decision, finding that \$47,736 of the overpayment was due to the failure to account for SSA benefits, with the remainder (\$41,900) caused by OPM not taking out insurance premiums. The administrative judge concluded that Ms. Lucas was not entitled to waiver, as she did not detrimentally rely on OPM's miscalculations and recovery was not unconscionable. (App.50a–56a)

MSPB or OPM never disclosed or advised the appellant that MSPB did not have jurisdiction of FEHB or FEGLI underlying legal issues; rather they worked the case in its entirety.

Ms. Lucas petitioned for review, but the Board affirmed the initial decision on May 21, 2014, never advising the appellant of MSPB jurisdictional restrictions.

2. Proceedings in the U.S. Court of Appeals for the Federal Circuit (First Appeal)

Ms. Lucas appealed to the Federal Circuit. The court found that OPM had submitted new and material evidence during the petition for review—specifically, a document indicating OPM was aware of Ms. Lucas' SSA benefits as early as October 2008 and the entire

case should have been worked as early as 2008. This evidence undermined the Board's conclusion that OPM acted expeditiously. The Federal Circuit remanded the case for the Board to consider whether this new evidence rendered recovery unconscionable. Federal Circuits remand opinion never discussed MSPB jurisdictional limitations. (App.4a)

3. Remand Proceedings in the MSPB

On remand, the administrative judge again found that OPM's delays were not unconscionable and denied waiver.

Ms. Lucas filed a second petition for review. On February 8, 2023, the Board issued a second remand order. The Board reversed the administrative judge with respect to the overpayment attributable to OPM's failure to account for SSA benefits, finding that Ms. Lucas was without fault and recovery would be against equity and good conscience. The Board ordered OPM to issue a new reconsideration decision waiving the SSA-related portion of the overpayment. (App.5a, 36a–47a)

On March 22, 2023, OPM issued a new reconsideration decision, waiving \$47,736 of the debt. After accounting for amounts already recovered, OPM determined Ms. Lucas' remaining balance was \$36,494.74, attributable to unpaid FEHB and FEGLI premiums. (App.21a–22a) This MSPB decision was sixteen years past the 2007 date that the government purported a debt occurred. Six years past the congressionally enacted 10-year statute of limitations on debt collection defined in 1995 OPM Policy Guidelines.

4. Further Proceedings in the MSPB

Ms. Lucas contended that her entire liability should have been calculated as of 2007 and appealed, arguing that the Office of Personnel Management (OPM) should be legally barred from recovering the portion of the overpayment related to insurance premiums. There are no mandated OPM set-aside rules requiring disabled annuitants to reserve funds for insurance premiums; rather, OPM is required to deduct the appropriate insurance premiums through the SF-50 form notification process, which formally transfers employee benefits from the Internal Revenue Service (IRS) to OPM upon retirement. Despite MSPB having in its case record a factually dated 2007 Notification of Personnel Action (SF-50) form—a legally binding document required by OPM—the administrative judge dismissed Ms. Lucas’s appeal and, to the extent it was considered a petition for enforcement, also denied enforcement. The judge determined that OPM had complied with the Board’s order by waiving the overpayment related to SSA benefits and found that the Board lacked jurisdiction over Ms. Lucas’s remaining arguments concerning FEHB and FEGLI deductions. MSPB further stated that the law of the case doctrine prevented reconsideration of waiver for these amounts and that its jurisdiction did not extend to the merits of the underlying insurance premium debts. (App.6a, App.23a–34a)

This decision stands in stark contrast to *Arthur Martin v. OPM*, 97 M.S.P.R. 303 (2004), where the Board both recognized limits on its authority to review the calculation of overpayments based on insurance premium deductions and required OPM to recalculate the overpayment and reconsider the appellant’s waiver request in light of binding documentation. Importantly,

the Board in *Arthur Martin* also acknowledged the existence of the congressional mandated statute of limitations on the collection of overpayments, directing OPM to apply a ten-year limitation period to its recovery efforts. The inconsistent treatment of similar legal and factual issues in these cases—particularly regarding jurisdiction, the role of binding documentation, and the application of statutory limitations—highlights a critical need for Supreme Court review to resolve these disparities and to clarify the rights of annuitants under federal law.

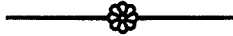
Ms. Lucas petitioned for review, but the Board denied her petition and adopted the administrative judge's decision as its final order on August 22, 2024. (App.12a–14a)

5. Second Appeal to the Federal Circuit

Ms. Lucas appealed to the Federal Circuit, arguing that the Board lacked jurisdiction over her insurance premium debt and that OPM's collection efforts were barred by the statute of limitations. The Federal Circuit affirmed the Board's decision, finding that the Board acted within its jurisdiction and properly denied waiver for the insurance premium overpayment. The court also held that claims regarding the statute of limitations and notification obligations were outside the Board's jurisdiction. (App.7a–10a) This Federal Circuit opinion directly contravenes MSPB presidential case *Arthur Martin v. OPM*, 97 M.S.P.R. 303 (2004), where it was legally settled that OPM was barred from debt collection under a ten-year statute of limitations and MSPB did not have jurisdiction to assign FEHB and FEGLI debt collection upon an annuitant. FEHB and

FEGLI debt issues are to be adjudicated in the federal circuit jurisdiction.

Ms. Lucas filed a petition for panel rehearing and rehearing en banc, which was denied by the Federal Circuit on August 27, 2025. (App.64a–65a)



REASONS FOR GRANTING THE PETITION

I. The Lower Courts Have Expressed Conflicting Views on This Issue

This petition presents issues of exceptional importance that reach far beyond the circumstances of a single retiree. The questions presented implicate the due process rights and financial security of millions of current and future federal retirees who depend on the integrity of the federal retirement system for their livelihoods. The procedural failures and legal errors at issue in this case—specifically, the denial of meaningful notice, the refusal to consider statutory limitations, and the failure to apply binding precedent—threaten to undermine the basic protections that Congress and the Constitution guarantee to all federal employees upon retirement. (App.66a–69a)

Every year, federal retirees entrust their earned retirement benefits to the administration of the OPM. When OPM makes errors in calculating annuities or insurance premium deductions, retirees are exposed to the risk of sudden, substantial, and often unexplained deductions from their monthly income—sometimes years after retirement. Without clear notice of their rights, access to judicial review, and the application of statutes of limitations, retirees may be

deprived of property without recourse, destabilizing their financial security and eroding trust in the federal retirement system. (App.19a–22a)

The issues raised in this petition are not isolated or unique. The jurisdictional gap and lack of procedural safeguards highlighted by Petitioner's experience are recurring problems that have been reported by federal retirees across the country. The failure of the MSPB and the Federal Circuit to provide meaningful notice or to apply their own precedential decisions creates an environment where administrative error can result in unchecked and indefinite government collection efforts—contrary to the principles of fairness, finality, and due process.

If left unaddressed, the lower courts' decisions will set a dangerous precedent that allows federal agencies to act as the final arbiters of their own authority, effectively insulating their actions from meaningful judicial scrutiny. This not only contravenes the strong presumption in favor of judicial review of agency action but also undermines the uniform application of statutory limitations that protect all retirees from stale or arbitrary claims.

Supreme Court review is desperately needed to restore consistency, ensure accountability, and reaffirm the constitutional and statutory rights of federal retirees. Only this Court can resolve the conflict among lower tribunals, clarify the procedural rights owed to federal annuitants, and guarantee that the protections Congress intended for federal retirees are not rendered illusory by administrative oversight or judicial abdication.

In short, the outcome of this case will determine whether millions of federal retirees can rely on the rule of law to safeguard their retirement benefits—or they will remain vulnerable to indefinite and unchecked government claims, without notice or meaningful opportunity to be heard. The stakes could not be higher, and the need for this Court’s intervention could not be more urgent.

II. The Lower Courts Have Erred in the Opinions Below

A. The MSPB Violated Its Jurisdiction and Due Process Obligations

The MSPB routinely acts beyond its statutory jurisdiction by adjudicating and affirming debts arising under the Federal Employees’ Group Life Insurance Act (FEGLIA) and the Federal Employees Health Benefits Act (FEHBA), despite clear statutory limitations on its authority to review such matters. *See* 5 U.S.C. §§ 8715, 8915; *Lindahl v. OPM*, 470 U.S. 768, 791–92 (1985) (holding that judicial review of FEGLI and FEHB determinations lies in federal district court or the Court of Federal Claims, not the MSPB). This overreach not only contravenes congressional intent but also deprives affected individuals of the proper forum to challenge the validity of these debts, in violation of due process.

The Supreme Court has long held that due process requires “notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538 (1985).

Here, the MSPB failed to inform Petitioner of her right to challenge the validity of FEHB and FEGLI premium overpayments in federal court, despite clear statutory authority under 5 U.S.C. § 8715 and as recognized in *Lindahl v. Office of Personnel Management*, 470 U.S. 768, 791–92 (1985). The record—including the SF 50 personnel form—shows OPM was aware of Petitioner’s dual benefit status as early as February 2007, yet failed to act or notify her until July 2010, resulting in a substantial overpayment. (App.17a–18a)

The MSPB’s refusal to address Petitioner’s due process arguments, or to direct her to the proper judicial forum, constitutes a violation of the Due Process Clause and Supreme Court precedent. *See Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84 (1988); *Goldberg v. Kelly*, 397 U.S. 254, 268–69 (1970).

B. The Federal Circuit’s Affirmance Conflicts with Supreme Court Authority and Disregards Binding Precedent on Statute of Limitations and Jurisdiction

1. *Arthur I. Martin v. OPM* Establishes Binding Precedent on Statute of Limitations and Jurisdiction

In *Arthur I. Martin v. Office of Personnel Management*, 97 M.S.P.R. 303 (2004), the MSPB addressed two critical issues directly relevant to this case: the statute of limitations for administrative debt collection by OPM and the proper jurisdictional framework for retirement benefit disputes under the Civil Service Retirement System (CSRS). The Board held that OPM’s own policy guidelines impose a strict 10-year limitation on the collection of debts by adminis-

trative offset, measured from the date the government's right to collect first accrues. The Board further clarified the necessity of applying the correct statutory and regulatory provisions based on the appellant's retirement system, ensuring that jurisdiction is properly established.

2. The Lower Tribunals Ignored Martin's Precedential Mandates

Despite the clear and binding nature of the Martin decision, both the MSPB and the Federal Circuit failed to apply its holdings in this case. The MSPB did not address the 10-year limitation on debt collection, nor did it conduct the necessary jurisdictional analysis as required by Martin. The Federal Circuit, in turn, affirmed the MSPB's decision without acknowledging or distinguishing Martin, thereby permitting OPM to pursue collection of alleged overpayments well beyond the permissible statutory period and without proper review of its jurisdictional authority.

3. The Federal Circuit's Affirmance Conflicts with Supreme Court Authority

The Federal Circuit's decision also directly conflicts with this Court's strong presumption in favor of judicial review of agency action. *See Bowen v. Michigan Academy of Family Physicians*, 476 U.S. 667, 670 (1986); *Sackett v. EPA*, 566 U.S. 120, 128 (2012). By failing to require OPM to provide Petitioner with notice of her right to challenge the debt in federal court, the panel's holding effectively foreclosed Petitioner's access to judicial review. This outcome allows federal agencies to deprive employees of substantial property interests without

meaningful notice of available remedies, in contravention of the Fifth Amendment and the Administrative Procedure Act.

4. Uniform Application of Statutory Limitations and Judicial Review Is Essential to Fairness and Due Process

The failure to apply Martin's statute of limitations precedent, combined with the denial of meaningful access to judicial review, has profound consequences for federal retirees. The 10-year limitation is a substantive protection ensuring the government cannot pursue stale claims, disrupt settled expectations, or subject retirees to indefinite financial uncertainty. Equally, the right to judicial review is a cornerstone of due process, preventing agencies from acting as the final arbiters of their own authority. By disregarding these protections, the MSPB and Federal Circuit have sanctioned arbitrary and potentially unlawful collection efforts, undermining the integrity of the federal retirement system and the due process rights of annuitants.

5. Supreme Court Review Is Necessary to Restore Consistency and Protect Statutory and Constitutional Rights

This Court's intervention is necessary to resolve the conflict created by the lower tribunals' disregard of both binding MSPB precedent and this Court's authority on judicial review of agency action. The question presented—whether the MSPB and Federal Circuit may ignore the Board's own precedential decision requiring strict adherence to OPM's 10-year statute of limitations and proper jurisdictional analysis,

and whether they may deny meaningful notice of judicial remedies—implicates the uniformity of federal administrative law and the statutory and constitutional protections afforded to millions of federal retirees. Only this Court can ensure that agency and judicial decision-makers follow established precedent and provide the procedural safeguards that Congress and the Constitution require.

6. *Lindahl v. OPM* Confirms the Right to Judicial Review and the Need for Meaningful Notice

The Supreme Court's decision in *Lindahl v. Office of Personnel Management*, 470 U.S. 768, 791–92 (1985), is directly on point and underscores why this case demands review. In *Lindahl*, the Court held that while the MSPB's jurisdiction to review the merits of certain OPM determinations is limited, federal courts retain subject-matter jurisdiction to review OPM's decisions regarding the entitlement to and calculation of retirement benefits and related debts. The Court emphasized that Congress did not intend to insulate OPM's benefit determinations from meaningful judicial scrutiny, and that federal retirees must be afforded a clear avenue for challenging OPM's actions affecting their substantial property interests.

Lindahl further recognized that the administrative process must not serve as a procedural trap that forecloses judicial review through lack of notice or jurisdictional confusion. The Court cautioned that due process requires both notice and a meaningful opportunity to be heard in a competent forum. Here, the MSPB's failure to inform Petitioner of her right to pursue her claims in federal court, as expressly recognized in

Lindhahl, deprived her of a critical procedural safeguard and left her vulnerable to indefinite and potentially unlawful government collection efforts.

The lower tribunals' disregard of Lindahl's holding not only denied Petitioner the benefit of Supreme Court precedent, but also threatens the rights of all federal retirees who may be similarly misled or deprived of access to judicial review. Supreme Court intervention is necessary to reaffirm that federal retirees are entitled to clear notice of their statutory remedies and to meaningful judicial review of OPM actions that affect their retirement security.

C. Statute of Limitations and the Duty to Address Colorable Claims

Petitioner argued that OPM's efforts to collect overpayments were barred by the statute of limitations, but the MSPB and Federal Circuit refused to address this colorable legal argument or refer her to the appropriate forum. This failure is inconsistent with Supreme Court precedent that statutes of limitations serve as jurisdictional bars to untimely government claims. *See Bowen v. City of New York*, 476 U.S. 467, 479 (1986).

D. The Federal Circuit and MSPB Ignored Directly Applicable Precedent in *Arthur I. Martin v. OPM*

The Federal Circuit and MSPB decisions not only violated due process and statutory notice requirements, but also disregarded binding MSPB precedent in *Arthur I. Martin v. Office of Personnel Management*, 97 M.S.P.R. 303 (2004). In *Martin*, the MSPB addressed the precise issue at stake in this case: OPM's attempt to recover alleged annuity overpayments resulting from

administrative errors in insurance premium deductions, and the proper application of the agency's overpayment recovery policies, including the statute of limitations.

In *Martin*, the MSPB held that OPM's own policy guidelines impose a 10-year limitation on collecting debts by administrative offset, and that any overpayment calculation must account for this statutory and regulatory bar. The Board remanded the case to OPM to recalculate the alleged overpayment using the correct limitation period and to reconsider the appellant's waiver request in light of this recalculation.

Despite the clear relevance of *Martin* to Ms. Lucas's claims—including her colorable statute of limitations defense and her challenge to OPM's overpayment recovery—the MSPB and the Federal Circuit failed to cite, consider, or distinguish this controlling precedent. Instead, both tribunals summarily upheld OPM's recovery efforts without applying the required 10-year limitation or remanding for recalculation as mandated in *Martin*. This omission deprived Ms. Lucas of the benefit of established Board practice and denied her a meaningful opportunity to assert her rights under the same legal framework applied to similarly situated federal retirees.

The Supreme Court has long recognized that agencies and courts must act in accordance with law and precedent, especially where substantial property interests are at stake. See *Bowen v. City of New York*, 476 U.S. 467, 479 (1986); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The failure to apply *Martin* not only constitutes reversible legal error, but also underscores the need for this Court's intervention to ensure uniformity and fairness in federal employee overpayment proceedings.

In sum, the lower tribunals' disregard of the MSPB's own precedent in *Martin*, and the failure to follow the Supreme Court's guidance in *Lindahl*, further demonstrates the inadequacy of the process afforded to Ms. Lucas and the urgent need for Supreme Court review.

III. This Issue Is of Great Legal and National Significance

This petition presents questions of exceptional importance to the rights and financial security of millions of federal retirees. The procedural and substantive errors committed by the MSPB and the Federal Circuit threaten to undermine the basic protections Congress and the Constitution guarantee to all federal employees upon retirement. The lack of meaningful notice, the refusal to consider statutory limitations, and the failure to apply binding precedent jeopardize the integrity of the federal retirement system and the due process rights of annuitants nationwide.

Without Supreme Court intervention, federal retirees remain vulnerable to indefinite and unchecked government claims, without notice or meaningful opportunity to be heard. The stakes are high, and the need for this Court's intervention is urgent. Only this Court can restore consistency, ensure accountability, and reaffirm the constitutional and statutory rights of federal retirees.



CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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November 19, 2025