

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-3086

DEBORAH G. HARRISON,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board
in DC844E100127-I-1.

ON MOTION

ORDER

The court considers whether Deborah G. Harrison's petition for review should be dismissed.

It appears that Harrison's petition stems from an initial decision of the Merit Systems Protection Board and that Harrison has filed a petition for review of the same action with both the Board and this court. It appears that Harrison's petition with the Board may have been untimely. Harrison may not simultaneously proceed in both fora. Therefore, if she wishes for her petition for review to proceed in this court, she must dismiss her Board petition.*

Accordingly,

* If Harrison chooses to dismiss her Board petition and proceed in this court, the court will review the merits of the AJ's decision. If she chooses to dismiss her petition for review in this court and proceed before the Board, the Board may dismiss her petition for review as untimely filed. If that occurred and Harrison sought review of the Board's decision on timeliness in this court, our jurisdiction would be limited to review of the timeliness issue and we would not be able to review the merits of the AJ's decision.

IT IS ORDERED THAT:

If Harrison does not notify the court that she has dismissed her petition for review before the Board within 30 days of filing of this order, this petition will be dismissed.

FOR THE COURT

APR 14 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Deborah G. Harrison
Michael N. O'Connell, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

APR 14 2010

JAN HORBALY
CLERK