

NOTE: This order is nonprecedential.

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

RENEE ANNETTE CHRUSTOWSKI,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-1928

Petition for review of the Merit Systems Protection Board in No. PH-0752-24-0299-I-1.

Before PROST, BRYSON, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's August 16, 2024 order to show cause, the Merit Systems Protection Board urges dismissal; Renee Annette Chrustowski requests transfer.

Ms. Chrustowski filed an appeal at the Board. The administrative judge's initial decision dismissed. Ms. Chrustowski filed a timely petition for review by the full

Board, which remains pending. She also filed this petition for review identifying the initial decision.¹

This court only has jurisdiction over “an appeal from a final order or final decision of the . . . Board.” 28 U.S.C. § 1295(a)(9). A timely petition for Board review renders the initial decision non-final. *See* 5 C.F.R. § 1201.113(a); *Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361–63 (Fed. Cir. 2009). Given the pending petition at the Board, we currently lack jurisdiction. After the Board issues a final decision, petitioner may, if necessary, file a timely petition for this court’s review. Alternatively, if she wishes to forgo Board review of her petition and instead directly pursue this court’s review, she may wish to review the Board’s withdrawal policy as identified by the Clerk of the Board in a letter accompanying the certified list in this case. *See* ECF No. 10 at 1; *see also* June 2022 Board Policy.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) All pending motions are denied.

¹ The petition also appears to identify a matter before the Equal Employment Opportunity Commission and appeals before the United States Court of Appeals for the Third Circuit—all of which are outside of this court’s jurisdiction. *See* 28 U.S.C. § 1295.

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(3) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 12, 2024
Date