

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record.

United States Court of Appeals for the Federal Circuit

04-3246

ARISTIDES PLATO,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

DECIDED: March 11, 2005

Before MAYER, Circuit Judge, PLAGER, Senior Circuit Judge, and GAJARSA, Circuit Judge.

PER CURIAM.

Aristides Plato ("Plato") appeals the decision of the Merit Systems Protection Board dismissing his petition for lack of jurisdiction. Plato v. Merit Sys. Prot. Bd., DC-0831-02-0672-I-1 (MSPB July 7, 2002). We affirm.

The board issued a show cause order to Plato requesting that he provide proof that the Office of Personnel Management ("OPM") had issued a final decision in his case, a prerequisite to board jurisdiction. See 5 U.S.C. § 8347(d)(1) (2000); 5 C.F.R. §§ 831.109 to .110 (2004). Plato did not respond to this order and failed otherwise to

offer proof that OPM had issued a final decision. See Minor v. Merit Sys. Prot. Bd., 819 F.2d 280, 282 (Fed. Cir. 1987) (noting that petitioner has the burden of showing jurisdiction). Therefore, the board was correct to dismiss Plato's case for lack of jurisdiction.