

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2006-3303

VERLYN E. RICHARDS,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Verlyn E. Richards, of Southfield, Michigan, pro se.

Joyce G. Friedman, Attorney, Office of the General Counsel, United States Merit Systems Protection Board, of Washington, DC, for respondent. With her on the brief were B. Chad Bungard, General Counsel, Rosa M. Koppel, Deputy General Counsel, and Sara B. Rearden, Acting Associate General Counsel.

Appealed from: United States Merit Systems Protection Board

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DECIDED: May 11, 2007

Before MAYER, BRYSON and PROST, Circuit Judges.

PER CURIAM.

Verlyn E. Richards appeals the decision of the Merit Systems Protection Board, dismissing her appeal for lack of subject matter jurisdiction. Richards v. Dep't of the Army, CH-0752-05-0883-I-1 (MSPB May 12, 2006). Because Richards has failed to set out any allegation that, if true, would establish involuntary resignation, we affirm.

Richards contends that her decision to retire was the product of improper agency action, coercion, duress, intolerable working conditions, and agency misinformation. Each contention, however, is without merit. Because her position required a security clearance, it was not improper for the agency to indefinitely suspend her based on the

revocation of her clearance, pending its investigation of the issue. Any role that her suspension had in giving rise to unpleasant financial conditions cannot, therefore, support a finding that her resignation was involuntary. Next, substantial evidence supports the board's determination that her allegations of workplace harassment and mistreatment do not establish coercion, intolerable working conditions, or duress. This is especially so given that, due to her suspension, Richards had not worked at the agency in several months, thereby diminishing any causal connection between her working environment and her decision to retire. Finally, Richards has failed to make any specific allegation that could support a finding that agency misinformation gave rise to her resignation.