

NOTE: This disposition is nonprecedential.

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

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**JIMMY R. HILL,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2014-3216

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Petition for review of the Merit Systems Protection Board in No. AT-3443-14-0778-I-1.

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Decided: March 6, 2015

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JIMMY R. HILL, Jonesboro, GA, pro se.

LINDSEY SCHRECKENGOST, Office of the General Counsel, Merit Systems Protection Board, Washington, DC, for respondent. Also represented by BRYAN G. POLISUK.

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Before PROST, *Chief Judge*, MOORE and REYNA, *Circuit Judges*.

PER CURIAM.

Mr. Jimmy R. Hill petitions for review of a final decision of the Merit Systems Protection Board dismissing his appeal for lack of jurisdiction over a fourteen-day suspension. Because the Board did not err in dismissing Mr. Hill's appeal for lack of jurisdiction, we affirm.

On March 7, 2013, Mr. Hill received a fourteen-day suspension based on his failure to maintain regular attendance. On June 20, 2014, Mr. Hill filed an initial appeal with the Board challenging his suspension. Subsequently, the administrative judge issued an order informing Mr. Hill that he had the burden of proof to show that the Board's jurisdiction extended to his fourteen-day suspension. Mr. Hill was ordered to file evidence and argument to prove his appeal was within the Board's jurisdiction. Mr. Hill did not respond to the order.

On July 22, 2014, the administrative judge issued an initial decision dismissing the appeal for lack of jurisdiction, as the Board did not have jurisdiction of the appeal unless the suspension was for more than fourteen days. The administrative judge cited to 5 U.S.C. § 7512. The initial decision became final on August 26, 2014.

Mr. Hill now argues to this court that the Board did not apply the wrong law to his case, but that it "violated [his] right under the FMLA Act." Informal Brief 1. Mr. Hill further states, "The USPS fabricated dates and time[s] of my alleged absences the LCA was [illegible word] and the action taken was non-contractual." *Id.* Mr. Hill asks us to make him "whole" and allow him to return to work.

Our review is limited. "We may hold unlawful and set aside any agency action, findings, or conclusions found to be arbitrary, capricious, an abuse of discretion, or unlawful; procedurally deficient; or unsupported by substantial evidence." *Jennings v. Merit Sys. Prot. Bd.*, 59 F.3d 159,

160 (Fed. Cir. 1995). Under 5 U.S.C. § 7512 a federal employee is provided the right to Board review of a suspension for more than fourteen days. Mr. Hill has cited to no other statute, or case, that would alter the Board's statutory jurisdiction. Additionally, Mr. Hill's arguments do not address the issue at hand—whether or not the Board has jurisdiction over his suspension. Therefore, as Mr. Hill maintains the burden to show that the Board has jurisdiction, we affirm the Board's decision dismissing the appeal for lack of jurisdiction, as Mr. Hill's suspension was for only fourteen days.

As we find that the Board did not have jurisdiction, we affirm and thus do not reach Mr. Hill's other arguments.

**AFFIRMED**

**COSTS**

Each party shall bear their own.