

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3016

ALISA R. WILLIAMS,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board in CH844E080287-I-1.

ON MOTION

Before GAJARSA, LINN, and PROST, Circuit Judges.

PER CURIAM.

ORDER

The Office of Personnel Management (OPM) moves to waive the requirements of Fed. Cir. R. 27(f) and to dismiss Alisa R. Williams' petition for review from the Merit Systems Protection Board judgment in Williams v. OPM, CH-844E-08-0287-I-1, for lack of jurisdiction.

Williams sought review by the Board of an OPM decision denying her application for disability retirement. In its decision, the Board affirmed OPM's decision, finding that Williams failed to establish that her medical condition was (1) incompatible with either useful and efficient service or retention in her position and (2) expected to continue for at least one year from the date of her application for disability retirement. Williams petitioned this court.

Under 5 U.S.C. § 8347(c), this court's jurisdiction over decisions denying applications for disability retirement is limited to correcting errors involving "important procedural rights, a misconstruction of the governing legislation, or some like error 'going to the heart of the administrative determination.'" Lindahl v. Office of Pers. Mgmt., 470 U.S. 768, 782 (1985). Additionally, this court may not review "factual underpinnings" of disability determinations. Anthony v. Office of Pers. Mgmt., 58 F.3d 620, 626 (Fed. Cir. 1995).

In her informal brief, Williams makes no arguments concerning "important procedural rights, a misconstruction of the governing legislation, or some like error going to the heart of the administrative determination." Williams only argues that the Board erred in reviewing and weighing the evidence related to OPM's denial of her disability retirement application. Because Williams fails to raise an issue within our jurisdiction, we must dismiss this petition.

Accordingly,

IT IS ORDERED THAT:

- (1) OPM's motions are granted. The petition is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

FEB 6 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

cc: Alisa R. Williams
Patryk J. Drescher, Esq.

FEB 06 2009

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**JAN HORBALY
CLERK**

ISSUED AS A MANDATE: FEB 6 2009