

NOTE: This disposition is nonprecedential.

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

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**MARK BESANCENEY,**  
*Petitioner*

v.

**DEPARTMENT OF HOMELAND SECURITY,**  
*Respondent*

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2022-1271

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Petition for review of the Merit Systems Protection Board in No. PH-1221-19-0255-M-1.

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**JUDGMENT**

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JOHN THOMAS HARRINGTON, The Employment Law Group, PC, Washington, DC, argued for petitioner. Also represented by ROBERT SCOTT OSWALD.

JANA MOSES, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent. Also represented by REGINALD THOMAS BLADES, JR., BRIAN M. BOYNTON, PATRICIA M. MCCARTHY.

EMILEE COLLIER, Investigation and Prosecution

Division, United States Office of Special Counsel, for amicus curiae Office of Special Counsel, Washington, DC. Also represented by LIZ BROWN, KAREN GORMAN, HENRY J. KERNER.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, LOURIE and STOLL, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

July 12, 2023  
Date

/s/ Jarrett B. Perlow  
Jarrett B. Perlow  
Acting Clerk of Court