

NOTE: This order is nonprecedential.

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

VICKIE L. JONES,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2024-1042

Petition for review of the Merit Systems Protection Board in No. PH-1221-23-0055-W-1.

Before CHEN, LINN, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's show cause order, the respondent urges dismissal of this petition for review. Vickie L. Jones submits a "brief summary of [her] complaint" regarding the "review of [her] case." ECF No. 15 at 1–2.

Ms. Jones filed an Individual Right of Action appeal with the Merit Systems Protection Board. Due to the upgrade of the Board's network and e-Appeal filing system, the administrative judge, with agreement by the parties, issued an initial decision on August 24, 2023, dismissing

the case without prejudice for a period of 60 days, subject to automatic refiling by the Board. Ms. Jones filed a petition for review from that decision, even though her Board appeal was refiled, docketed as PH-1221-23-0055-W-2, and is pending with the administrative judge.

This court only has jurisdiction to review final decisions and orders from the Board. *See* 28 U.S.C. § 1295(a)(9); *Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361 (Fed. Cir. 2009). The administrative judge's decision, merely dismissing Ms. Jones's appeal without prejudice subject to automatic reinstatement, is not final. *See Strausbaugh v. Merit Sys. Prot. Bd.*, 401 F. App'x 524, 526 (Fed. Cir. 2010). Because there is no final order or decision from the Board, this court lacks jurisdiction and must dismiss. Ms. Jones may petition this court for review after issuance of a final decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 3, 2024
Date