

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-3070

JANICE STEWART,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF VETERANS AFFAIRS,

Intervenor.

Janice Stewart, of Dublin, Georgia, pro se.

Sara B. Rearden, Acting Associate General Counsel, 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, and Rosa M. Koppel, Deputy General Counsel.

William P. Rayel, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for intervenor. With him on the brief were Peter D. Keisler, Assistant Attorney General, Jeanne E. Davidson, Director, and Franklin E. White, Jr., Assistant Director.

Appealed from: United States Merit Systems Protection Board

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DECIDED: June 5, 2007

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Before MAYER, Circuit Judge, CLEVINGER, Senior Circuit Judge and PROST, Circuit Judge.

PER CURIAM.

Janice Stewart appeals the final order of the Merit Systems Protection Board, denying her petition for review of its initial decision dismissing her appeal for lack of jurisdiction. Stewart v. Dep't of Veterans Affairs, No. AT-0752-06-0585-I-1 (M.S.P.B. Nov. 17, 2006). We affirm.

Neither statute cited by Stewart gives the board jurisdiction over voluntary downgradings. An employee's acceptance of a lower-graded position is generally presumed voluntary absent duress, coercion, or a showing that a reasonable person would have been misled by the agency's actions. Stewart has made no such showing here; the record lacks any evidence of duress, coercion, or misleading actions by the agency.