

**NICHOLAS CARBONE v. U.S. General Accounting Office**

**Docket No. 72-704-02-85**

**Date of Decision: March 24, 1986**

**Cite as: Carbone v. GAO, Docket No. 72-704-02-85 (3/24/86)**

**Before: Ira F. Jaffe, Presiding Member**

**Headnotes:**

**Motions Practice**

**Motion to Dismiss**

**Summary Judgment**

**DECISION**

3/2/86 ✓

BEFORE THE  
PERSONNEL APPEALS BOARD  
U.S. GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C.

\*\*\*\*\*  
 NICHOLAS CARBONE, \*  
                   Petitioner \*  
                                   \*  
                   v. \*                   Docket No. 72-704-02-85  
                                   \*  
 GENERAL ACCOUNTING OFFICE, \*  
                                   Respondent \*  
                                   \*  
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DECISION

On March 12, 1986, Respondent filed a Motion for seeking that Petitioner's Petition for Review be dismissed on the grounds that it fails to state a claim for which relief can be granted, or in the alternative, seeking entry of summary judgment on the merits.

Petitioner is pro se in this action and dismissal and summary adjudication are extreme remedies.

It is hereby ordered that a ruling on Respondent's Motion will be held in abeyance until further notice, pending the progress of pre-trial procedures in this matter. Accordingly, no reply from Petitioner in response to the Agency's Motion need be filed at this time.

The Parties are hereby notified that a telephone prehearing conference in this matter shall be held at 3 p.m. on Monday, April 7, 1986.

Dated: March 24, 1986