

EARL L. PATRICK v. U.S. General Accounting Office

Docket No. 25-100-17-83

Date of Decision: August 6, 1984

Cite as: Patrick v. GAO, Docket No. 25-100-17-83 (8/6/84)

Before the Board: Jerome H. Ross, Chairman; Charles Feigenbaum, Member; Ira F. Jaffe, Member; Robert T. Simmelkjaer, Member

Headnotes:

Discretion of Administrative Judge

Evidence

Request for Reconsideration/Appeal to the Full Board

ORDER OF THE BOARD

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

EARL L. PATRICK,)	
Petitioner)	
v.)	Docket No. 25-100-17-83
U.S. GENERAL ACCOUNTING)	
OFFICE,)	
Respondent)	

ORDER OF THE BOARD

On April 17, 1984, Presiding Member Mollie H. Bowers denied the allegation of Petitioner Earl L. Patrick of having been subject to a prohibited personnel practice. Petitioner has requested the Board to reopen and reconsider Petitioner's appeal on the following grounds:

- 1) that new and material evidence is available that despite due diligence, was not available when the record was closed; and
- 2) that the decision of the Presiding Member in light of all the circumstances may be based upon an erroneous interpretation of GAO Order 2511.1

DECISION

Petitioner's request for reopening and reconsideration is denied. The alleged new and material evidence could have been discovered with the exercise of due diligence and in addition,

there is no reason to believe that this evidence, if it had been available, would have had any effect on the Presiding Member's decision to deny. It is further the Board's view that there has been no showing by the Petitioner that the Presiding Member's decision was based on an erroneous interpretation of GAO Order 2511.1.

Dated: August 6, 1984

_____/s/_____
Jerome H. Ross, Chairman

_____/s/_____
Charles Feigenbaum, Member

_____/s/_____
Ira F. Jaffe, Member

_____/s/_____
Robert T. Simmelkjaer, Member