

DAVID NOBLE v. UNITED STATES POSTAL SERVICE

Docket # DC-0752-11-0880-I-1

Agency's Motion to Correct, Clarify & Amend the Order & Summary of Prehearing Conference
Summary Page

Case Title : DAVID NOBLE v. UNITED STATES POSTAL SERVICE

Docket Number : DC-0752-11-0880-I-1

Pleading Title : Agency's Motion to Correct, Clarify & Amend the Order & Summary of Prehearing Conference

Filer's Name : Stephen W. Furgeson

Filer's Pleading Role : Agency Representative

Details about the supporting documentation

N/A

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Agency's Motion to Correct, Clarify & Amend the Order & Summary of Prehearing Conference
Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

2. Does your pleading assert facts that you know from your personal knowledge?

No



Via e-Mail and Priority Mail – Delivery Confirmation

September 30, 2011

Daniel Madden Turbitt
Administrative Judge
Merit Systems Protection Board
Washington Regional Office
1800 Diagonal Road, Suite 205
Alexandria, VA 22314-2840

Re: David Noble, Jr. v. United States Postal Service
MSPB Dkt. No. DC-0752-11-0880-I-1

Dear Administrative Judge Turbitt:

:
Enclosed are the "Agency's Motion To Correct, Clarify And Amend The Order And Summary Of Prehearing Conference" and a certificate of service in the above-captioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen W. Furgeson".

Stephen W. Furgeson
Attorney

cc: David Noble, Jr.
1 Fenceline Drive
Gaithersburg, MD 20878

UNITED STATES OF AMERICA
MERIT SYSEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE

DAVID W. NOBLE, JR.,)
Appellant,)
)
v.)
)
UNITED STATES POSTAL SERVICE)
Agency.)
_____))

DOCKET NO. DC-0752-11-0880-I-1

ADMINISTRATIVE JUDGE:
Daniel Madden Turbitt

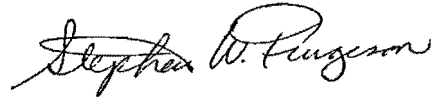
AGENCY'S MOTION TO CORRECT, CLARIFY AND AMEND THE ORDER
AND SUMMARY OF PREHEARING CONFERENCE

The United States Postal Service (hereinafter "Postal Service" or "Agency") hereby files its response to the "Order And Summary of Prehearing Conference" (hereinafter referred to as "Order") from Administrative Judge Turbitt, dated September 27, 2011.

1. As far as the provision on "Settlement" my understanding is that there is really no possibility of settlement. See Order, p. 1.
2. In addition to the Order on Collateral Estoppel/Res Judicata at page 4 the Agency would like to add *Noble v. U. S. Postal Service*, MSPB Docket Number DC-3443-11-0235-I-1 (April 1, 2011) (Initial Decision) (Administrative Judge Sherry A. Zamora) that dismissed the Appellant's appeal for holiday pay.
3. Finally, upon alerting the approved witnesses of the new hearing date the undersigned Agency counsel was advised that witness

Antonio Jones will be on annual leave and out of the area from
October 15, to 25, 2011.

Therefore, the Postal Service respectfully submits these requested
clarifications, corrections and amendments to the Order.



September 30, 2011
DATE

Stephen W. Furgeson, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that the "Agency's Motion To Correct, Clarify And Amend The Order And Summary Of Prehearing Conference" was served on this 30th day of September 2011, as indicated below, as follows:

Administrative Judge—via Priority Mail, Delivery Confirmation and efile

Daniel Madden Turbitt
Administrative Judge
Merit Systems Protection Board
Washington Regional Office
1800 Diagonal Road, Suite 205
Alexandria, VA 22314-2840

Appellant -- via Priority Mail, Delivery Confirmation

David Noble, Jr.
1 Fenceline Drive
Gaithersburg, MD 20878



Stephen W. Furgeson

Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Washington Regional Office	Agency's Motion to Correct, Clarify & Amend the Order & Summary of Prehearing Conference	e-Appeal / e-Mail
David Noble, Jr. Appellant	Agency's Motion to Correct, Clarify & Amend the Order & Summary of Prehearing Conference	e-Appeal / e-Mail