

DAVID NOBLE v. UNITED STATES POSTAL SERVICE

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

Withdraw Exhibit 3 & Replace Tab 4h

Summary Page

**Case Title :** DAVID NOBLE v. UNITED STATES POSTAL SERVICE

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

**Pleading Title :** Withdraw Exhibit 3 & Replace Tab 4h

**Filer's Name :** Stephen W. Furgeson

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A

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Online Interview

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

See attached pleading text document

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

No

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**Via e-Mail and Priority Mail – Delivery Confirmation**

November 3, 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:

:

Apparently with the flurry of activity and motions filed in this appeal I did not advise that Exhibit 3 is being withdrawn by the Agency because it was never issued by the Agency. Also, Tab 4h of the Agency File was missing the last page and the enclosed document includes the last page, which should replace the current one page document that had originally been provided. The complete copy of was found and provided to me in October by Antonio Jones.

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

Delivery Confirmation #  
Certified Mail #

Date: January 31, 2011

Subject: **RETURN TO DUTY/LETTER OF INTENT**

To: Noble Jr., David  
1 Fenceline Dr.  
Gaithersburg MD 20878-1902

EIN: 01150855  
City Letter Carrier

Dear: Mr. Noble Jr.,

Our records indicate that you have been Absent Without Leave since December 14, 2010. Since that date you have not provided notification of your absence as required nor provided medical documentation to cover your continuing absence(s).

This is an official notice for you to report to work or provide appropriate medical documentation no later than five (5) days from receipt of this letter. Receipt for the purposes of this correspondence is defined as the date this notification is delivered to your address of record. It is incumbent upon you to submit acceptable evidence to cover your entire absence. Acceptable Evidence for medical reasons is defined as medical documentation signed and furnished by your attending physician or other attending practitioner and must: (1) provide an *explanation of the nature of the illness or injury causing your absence from work* and must indicate to management that you are unable to perform your normal duties; (2) *clearly indicate the date(s) you were treated or examined by your physician or practitioner during the period of absence*; and (3) clearly indicate the *beginning and ending dates* which you were unable to perform your normal duties.

You should understand the medical statements such as "under my care" or "received treatment" are NOT acceptable evidence of incapacitation to perform duties. Certificates with a rubber stamp or facsimile signature or signature of someone signing on behalf of the doctor are NOT acceptable for the purposes of this instruction.

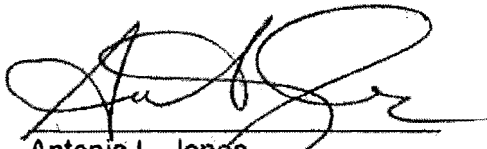
If your absence extends beyond twenty-one (21) days; you must make an appointment with the Medical Unit, JCTM, by telephone (202) 636-1433. At the time of your appointment you must submit medical evidence to the Medical Unit to cover your absence and your ability to return to work with or without limitations. A Fitness-For-Duty examination may be required to determine whether or not you are able to return to work.

If you should need additional information relative to disability retirement, contact the Employee Service Center at 1-800-474-7195 or Employee Assistance Program (EAP) at 1-800-EAP-4YOU. If you wish to resign instead, the enclosed resignation form (PS Form 2574) is furnished for your convenience. Simply complete and return the document to my attention to the return address indicated in this correspondence. I have

also included Family Medical Leave (FMLA) Form WH-380, if you feel your absence may be covered under FMLA.

Should you fail to comply with these instruction(s), you will be considered as Absent Without Leave (AWOL), which may result in disciplinary action up to and including removal from the Postal Service.

If you have any questions, please contact me at (202) 523-2527.



Antonio L. Jones  
(A)Manager, Customer Services  
Friendship Station  
4005 Wisconsin Ave.  
Washington, DC 20016

Enclosure:  
Form WH-380  
Publication 71  
Form 3971  
PS Form 2574

**CERTIFICATE OF SERVICE**

I hereby certify that the Agency sent a letter withdrawing Exhibit 3 of the Agency's Prehearing Submission and adding the last page of Tab 4h of the Agency File that had been missing on this 3<sup>rd</sup> day of November 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  
Attorney

## **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	Withdraw Exhibit 3 & Replace Tab 4h	e-Appeal / e-Mail
David Noble, Jr. Appellant	Withdraw Exhibit 3 & Replace Tab 4h	e-Appeal / e-Mail