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## United States Court of Appeals for the Federal Circuit

05-3297

EDWARD K. TAKAKI,

Petitioner,

v.

DEPARTMENT OF THE NAVY,

Respondent.

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DECIDED: July 11, 2006

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Before MAYER, LOURIE, and PROST, Circuit Judges.

PER CURIAM.

Edward K. Takaki appeals the final decision of the Merit Systems Protection Board, affirming his removal from his position of machinist by the Navy. Takaki v. Dep't of the Navy, SF0752050330-I-1 (MSPB May 9, 2005). We affirm.

This court may only reverse the board's decision if it was arbitrary, capricious, an abuse of discretion, or unlawful; procedurally deficient; or unsupported by substantial evidence. See 5 U.S.C. § 7703(c) (2000). The board's findings that Takaki was unable to perform the essential duties of his position, that he failed to prove that he was a "qualified" disabled person, that he failed to show his removal resulted from illegal

discrimination based on perceived disability, and that the agency's action was responsibly considered and did not exceed the maximum reasonable action under the circumstances is supported by substantial evidence. It is irrelevant that Takaki did some recycling work while in the position of Machinist; the relevant finding is that he could no longer perform the official duties of that position, his permanent position of record.