

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MILO D. BURROUGHS,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

AND

**DEPARTMENT OF THE ARMY,**  
*Intervenor.*

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2011-3119

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Petition for review of the Merit Systems Protection Board in case no, DA3330100506-I-1.

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**ON MOTION**

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Before BRYSON, SCHALL, and PROST, *Circuit Judges.*  
PER CURIAM.

**ORDER**

The Merit Systems Protection Board (MSPB) moves to dismiss the petition for lack of jurisdiction. Milo Burroughs replies.

Burroughs petitioned for review of an MSPB decision that dismissed one of Burroughs' Veterans Employment Opportunities Act claims and remanded to the administrative judge Burroughs' claims relating to employment practices.

This court's review of MSPB decisions is limited to final orders or final decisions. *See Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361-63 (Fed. Cir.2009); *see also* 28 U.S.C. § 1295(a)(9). In *Cabot Corp. v. United States*, 788 F.2d 1539, 1542 (Fed. Cir. 1986), we stated the uncontroversial rule that "an order remanding a matter to an administrative agency for further findings and proceedings is not final." *See also Patterson v. Office of Pers. Mgmt.*, 111 F. App'x 590 (Fed. Cir. 2004). Because Burroughs' employment practices claim was remanded to the administrative judge, the order which he seeks review of is not final. Mr. Burroughs may, of course, file a notice of appeal after the MSPB disposes of all claims and enters a final decision.

Accordingly,

IT IS ORDERED THAT:

The motion to dismiss is granted.

FOR THE COURT

NOV 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

NOV 04 2011

JAN HORBALY  
CLERK

cc: Vincent D. Phillips, Esq.  
Jeffrey Gauger, Esq.  
Milo D. Burroughs

s24

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