NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

VANNA E. BELL,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2026-1281

Petition for review of the Merit Systems Protection Board in No. SF-0831-24-0130-I-1.

Decided: September 10, 2026

VANNA E. BELL, Fairview, OR, pro se.

PATRICK ANGULO, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for respondent. Also represented by ELIZABETH MARIE HOSFORD, PATRICIA M. MCCARTHY, BRETT SHUMATE.

Before PROST, HUGHES, and CUNNINGHAM, *Circuit Judges*.

PER CURIAM.

Vanna E. Bell petitions for review of a Merit Systems Protection Board ("Board") decision affirming an Office of Personnel Management ("OPM") reconsideration decision that found her ineligible for a survivor annuity under the Civil Service Retirement System ("CSRS"). We affirm.

I

The facts relevant to this proceeding are undisputed. Travis Bell retired under the CSRS in 1981. At the time, he was unmarried and elected an annuity without a survivor benefit. He and petitioner, Ms. Bell, married in December 2010.

In 2012, Mr. Bell elected through correspondence with the Defense Finance and Accounting Service ("DFAS") to provide a survivor benefit for Ms. Bell based on his past military service.

After Mr. Bell passed away on July 11, 2022, Ms. Bell applied for a survivor annuity based on Mr. Bell's past *civilian* service. OPM denied her application, finding that Mr. Bell had not elected to provide a CSRS survivor annuity for Ms. Bell. Ms. Bell requested reconsideration from OPM, and OPM issued a reconsideration decision in October 2023 affirming its initial decision.

Ms. Bell appealed to the Board. The administrative judge ("AJ") issued an initial decision affirming OPM's denial of Ms. Bell's application for a CSRS survivor annuity. The AJ explained that, as relevant here, "[w]hen [a federal] employee who was unmarried at the time of retirement []marries, he or she may elect to provide a survivor annuity for the new spouse by submitting a signed election to OPM within two years of the marriage." App'x 13 (citing 5 U.S.C. § 8339(k)(2)(A)).[1] The AJ found, however, that Ms. Bell

[1] "App'x" refers to the appendix included with the government's informal brief.

had not shown that Mr. Bell had provided such an election to OPM within two years of their marriage.[2] *See* App'x 13–14. The AJ was "immensely sympathetic" to Ms. Bell and her apparent belief that her late husband's survivor-benefit election through DFAS (based on his past military service) also sufficed to elect a survivor annuity under the CSRS (based on his past civilian service). *See* App'x 14. But, the AJ noted, if statutory requirements for retirement benefits are not met, OPM and the Board lack authority to grant such benefits for equitable reasons. *See* App'x 13 (citing *OPM v. Richmond*, 496 U.S. 414, 416, 434 (1990)).

Ms. Bell then filed a petition for review with the Board. The Board affirmed the AJ's initial decision, which became the Board's final decision. App'x 2 (citing 5 C.F.R. § 1201.113(b)).

Ms. Bell timely petitioned this court for review of the Board's final decision. We have jurisdiction under 28 U.S.C. § 1295(a)(9).

II

We review a Board decision for whether it is "(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence." 5 U.S.C. § 7703(c). Ms. Bell, as the petitioner, bears the burden of establishing reversible error in the Board's final decision.

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[2] The AJ also found that OPM had given Mr. Bell sufficient notice of the requirement for timely electing a survivor annuity for a post-retirement spouse. *See* App'x 14–15. Ms. Bell does not challenge that finding in her petition for review with this court.

E.g., *Sistek v. Dep't of Veterans Affs.*, 955 F.3d 948, 953 (Fed. Cir. 2020).

Ms. Bell's petition for review fails to demonstrate any error in the Board's above-described findings and conclusions. And our analysis is much the same as the Board's. In particular, we share the Board's immense sympathy for Ms. Bell, who—perhaps along with Mr. Bell—apparently misunderstood Mr. Bell's survivor-benefit election through DFAS (based on his past military service) as *also* constituting a survivor-annuity election under the CSRS (based on his past civilian service). The fact remains, however, that these are different programs administered through distinct entities. And, because Mr. Bell did not elect with OPM a CSRS survivor annuity within two years of his marriage to Ms. Bell (as 5 U.S.C. § 8339(k)(2)(A) requires) and no other route to such an annuity appears available on this record, we must affirm the Board's decision.

AFFIRMED

COSTS

No costs.