

PROCEDURAL VIOLATIONS (Due Process)

Procedural due process limits the exercise of power by the State and Federal Governments by requiring that they follow certain procedures in criminal and civil matters, and to any other government action that deprives an individual of Life, Liberty or property.

ARBRITRARY & CAPRICIOUS

A clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary, capricious, an abuse of discretion or otherwise not in accordance or law or if it was taken without observance of procedure required by law. 5 USC 706(2)(A) 1988 In other words there should be absence of a rational connection between the facts found and the choice made. There should be a clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law, or if it was taken without observance of procedure required by law.

28 USC 1491 (a)(4)

(a) The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of TITLE 5.