



Tips and Tidbits
Issue #: 04-2011

15 April 2011

What function does the Merit Systems Protection Board (MSPB) provide for Federal civil service employees?

The U.S. Merit Systems Protection Board is an independent agency in the Executive Branch of the Federal Government whose mission is to ensure that Federal employees are protected against abuses by agency management, that Executive branch agencies make employment decisions in accordance with the merit system principles, and that Federal merit systems are kept free of prohibited personnel practices. The Merit Systems Protection Board was formed under the Civil Service Reform Act of 1978.

The bipartisan Board consists of a Chairman, Vice Chairman, and Member, with no more than two of its three members from the same political party. Board members are appointed by the President and confirmed by the Senate, serve overlapping, nonrenewable 7-year terms, and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The Board is also comprised of administrative law judges who hear and make rulings on employees' appeals. If an employee disagrees with the decision of an administrative judge, the appellant may appeal the case to the full Board. The Board members serve in the central Washington D.C. office where the MSPB is headquartered. The regional MSPB office that serves Fort Benning is in Atlanta

In its role to protect the rights of Federal employees the Board provides an appellant body for employees to appeal various personnel actions. Appealable actions are:

- Removals
- Suspensions of more than 14 days
- Reductions in grade or pay due to reclassification
- Furloughs of 30 days or less
- Performance-based removals or reductions in grade
- Denials of within-grade-increases
- Reduction-in-force actions
- OPM employment practices
- OPM determinations in retirement matters
- Denials of restoration or reemployment rights
- Terminations of probationary employees under certain conditions

The most prevalent reasons for discipline in the past year handled by the MSPB concerned adverse actions, including cases with charges of falsification and misleading information, misuse of government property, unbecoming conduct, credit card misuse, disrespectful conduct, performance, attendance and related violations, etc.

Federal statutes define the amount of time an employee has to file an MSPB appeal. In most cases, an appellant must file an appeal with the MSPB within 30 days of the date of the Agency action that is being appealed, or within 30 days of when the appellant was notified that the Agency took the action. If both the appellant and the Agency agree in writing to try to resolve their dispute before coming to the MSPB, the deadline is extended for an additional 30 days to give the appellant a total of 60 days in which to file the appeal.

If an adverse action is taken, the rules for filing an appeal are outlined in the final decision letter to the employee. Applicants may file an appeal with the MSPB online at <https://e-appeal.mspb.gov/default.aspx> that contains all the information required, or may send their written appeal via regular mail, fax, or personal delivery to the Regional Administrator, Merit Systems Protection Board, Suite 1050, 401 West Peachtree Street, N. W., Atlanta, Georgia 30308. The written appeal requires the completion of Merit Systems Protection Board Appeal Form (MSPB Form 185) found on the MSPB website and the information as outlined in the Code of Federal Regulations 5, Section 1201.21 of Merit Systems Protection Board's Rules and Regulations. E-mail appeals requests are not accepted.

For more information on appeals or the process, please contact your servicing Human Resources Specialist for assistance.

BLANCHE D. ROBINSON
Human Resources Officer
Fort Benning CPAC
Phone: 545-1203 (Coml.); 835-1203 (DSN)
E-Mail: blanche.robinson@benning.army.mil