

U.S. Merit Systems Protection Board
Information Sheet No. 8
e-Appeals

Purpose

The purpose of this information sheet is to provide general guidance and background information. It does not represent an official statement approved by the Board itself, and is not intended to provide legal counsel or to be cited as legal authority. Instead, it is intended only to help the public become familiar with the MSPB and its procedures. In all instances, however, the Board's regulations and current case law control with respect to the matters discussed here.

What is e-Appeal?

E-Appeal is a system which allows participants in Board proceedings to file and receive some or all of their pleadings to the Board electronically through the internet.

What type of pleadings can be filed or received through e-Appeal?

Virtually every written submission that a party or representative may file can be sent through e-Appeal including submissions that set out claims, allegations, arguments, or evidence, motions, legal briefs, petitions, responses, and attachments. Exceptions to this rule are set forth in 5 C.F.R. § 1201.14(c): requests to hear a case as a class action, service of subpoenas, filing a pleading with the Special Panel (after a disagreement between MSPB and EEOC), filing a pleading that contains Sensitive Security Information or classified information, and filing a request to participate as an amicus curiae or filing an amicus brief.

How does e-Appeal work?

To start, a party or representative must register with the Board as an e-filer by following the simple instructions at the Board's e-Appeal website (<https://e-appeal.mspb.gov/>). After that, everything is done through the website. To file a document, you go to the Board's website and upload an electronic document or enter the text of your pleading. The website accepts documents in all popular electronic formats. The e-Appeal system will then send an e-mail message to all parties and their representatives who are registered as e-filers, with a link to the Repository at e-Appeal Online, where they can view and download the documents. At the Repository, you will also find an electronic "Docket Sheet" listing all of the documents issued by the Board to the parties, as well as all pleadings filed by the

parties, including those that are not available for viewing and downloading electronically. This will assure that you know what information is before the administrative judge when your appeal is decided.

Do I serve documents by e-mail?

No. You may not use e-mail to serve pleadings. You just go to the Board's e-Appeal website to upload an electronic file or enter the text of your pleading online. The Board assures service of all documents on registered e-filers as explained in the response immediately above. The Board will not disclose an e-filer's e-mail address to the opposing party or to third parties.

If I register, must I file everything electronically?

No. Although registration as an e-filer permits you to file electronically, you may file any pleading by non-electronic means, which include regular mail, fax, and personal or commercial delivery. Regardless of the means of filing a particular pleading as explained immediately above, the e filer will be allowed to submit supporting documentation as attachments, in both electronic and paper form. You can also withdraw from e-filing at any time. Also, if you are represented, you and your representative need not both be e-filers.

How hard is it to use e-Appeal?

E-Appeal is easy to use. If you use the Internet to make airline reservations or to make purchases, you will not have much trouble learning to use e-Appeal.

What if I have other questions?

Just go to the Board's e-Appeal website (<https://e-appeal.mspb.gov/>) for step-by-step help in getting started, a detailed FAQ (Frequently Asked Questions) section, and lots of other helpful information and links.