

DISCLAIMER: I currently have a pro se case at the Federal Circuit and I have no legal background

I respectfully disagree with MSPB proposed changes. 5 USC 7121 pertains to 'bargaining unit employees' and is written similar to 5CFR1201.3 (c) (1) (ii) (which is also applicable to 'bargaining unit employees'). Changes are being proposed for sections not limited to bargaining unit employees yet are referenced to 5USC 7121. In addition, the Massimino v. Department of VA, 58 M.S.P.R. 318 (1993) would not be overturned since it is doubtful he/she was covered under a bargaining unit as a GM-14. Still applicable in my opinion and as written in Massimino, "with regard to OAA appeals, the regulations provide that an appellant may "choose either to seek corrective action from the (OSC) before appealing to the Board or to appeal directly to the Board. 5CFR1209.2(b)(2) "as well as the entire decision.

I believe the boards interpretation wrongly effects decisions made on IRA cases for non bargaining unit employees. ("In an IRA appeal, however, the only issue before the Board is whether the agency took one or more covered personnel actions against the appellant in retaliation for making protected whistleblowing disclosures.").

We have no bargaining unit, given no appeal rights and now the protection is further limited (without notification) to what fits in the IRA box regardless of evidence.

Respectfully submitted,
Robin Dunlap