

## Revised MSPB Appeal Form (MSPB Form 185) & e-Appeal Online Questions & Answers (Q&A)

On December 3, 2012, the Merit Systems Protection Board (MSPB) published a 60-day notice in the Federal Register, [77 FR 71640](#), requesting comments on revisions to its initial appeal form (MSPB Form 185). The proposed revisions represented a year's worth of internal efforts to revise and improve the form.

At the end of the 60-day comment period, MSPB received 9 sets of comments on the proposed form, which were published on the [MSPB website](#) and considered and incorporated, where appropriate, into the final proposed form. On April 3, 2013, MSPB published a 30-day notice requesting final comments on the form, [78 FR 20142](#), and simultaneously submitted the revised form to the Office of Management and Budget (OMB) for approval.

In anticipation of OMB's approval of the revised appeal form on Monday, May 13, we must make required updates to our e-Appeal Online system. Therefore, MSPB's e-Appeal Online system will be offline from **12:01 AM EDST, Saturday, May 11, through 12:00 AM EDST, Monday, May 13, 2013.**

**The necessary changes to e-Appeal Online require that we delete all *unsubmitted* appeals in the system at the time of the update.**

On Wednesday, May 8, 2013, certain registered e-Appeal Online users received an email explaining how the changes to the system will affect their *unsubmitted* appeals. Please review the Q&A below for any questions you may have about the changes to the e-Appeal Online system.

### 1. **Why did I receive the email on May 8, 2013?**

You received this email because you drafted and saved to the e-Appeal Online system a new appeal that, at that time of the email, was not yet submitted. You may log on to e-Appeal Online prior to 11:59 PM EDST, Friday, May 10, 2013, and submit your appeal. If you submitted your appeal after receiving the email, no longer plan to submit an appeal, or have other appeal drafts in the system that you no longer need (because you already submitted your appeal), no action on your part is required.

If you cannot file your *unsubmitted* appeal before Friday, May 10, at 11:59 PM EDST, but plan to file an appeal *after* the revisions to the e-Appeal Online system are complete, you may log on to the system at 12:01 AM EDST on

Monday, May 13, and begin a new appeal. You will be required to re-enter all of the information for your appeal.

**2. Why did I receive the email on May 8, 2013 if I already submitted my appeal?**

The e-Appeal Online system sent emails to all users who, at the time of the email, had an unsubmitted appeal pending in the system. If you submitted your appeal after receiving the email, or no longer plan to submit an appeal, no action on your part is required. If you have any concerns about whether your appeal was submitted, please contact the [regional or field office](#) to which you submitted your appeal.

**3. I want to file a new appeal but I am waiting for an SF-50 or other documentation. What should I do?**

If you wish to file an appeal but are waiting for documentation or attachments to support your appeal, you should file your appeal in a timely manner in order to meet filing deadlines. *See* [5 C.F.R. § 1201.22\(b\)](#), [5 C.F.R. § 1208.12](#), [5 C.F.R. § 1208.22](#), [5 C.F.R. § 1209.5](#). If necessary, additional documentation can be filed later in the appeal process.

If you do not want to use e-Appeal Online to submit a new appeal, or you are concerned about starting and submitting an appeal prior to or after the scheduled system outage, you may file your appeal by other authorized means, including U.S. mail, commercial carrier, fax, or personal delivery. *See generally* [5 C.F.R. § 1201.22](#) (d).

**4. What if I start and save an unsubmitted pleading before the e-Appeal Online update?**

Your unsubmitted pleading will not be affected during the offline period of May 11-12, 2013. Pleadings include all submissions in an initial appeal or petition for review other than a new, unsubmitted appeal. You will be able to access your pleading when the e-Appeal Online system is available again on May 13, 2013.

**5. Can I access the e-Appeal Online repository during the offline period?**

No. The entire e-Appeal Online system, including the Repository, will be unavailable during the period from **12:01 AM EDST, Saturday, May 11, through 12:00 AM EDST, Monday, May 13, 2013**. You may access and use the e-Appeal Online system again beginning at 12:01 AM EDST on Monday, May 13, 2013.

**6. Who do I contact if I have additional questions?**

You may contact the [regional or field office](#) where your appeal is pending, or you may contact the Office of the Clerk of the Board at 202-653-7200 or by email to [mspb@mspb.gov](mailto:mspb@mspb.gov).