



Merit Systems Protection Board

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FOR IMMEDIATE RELEASE
December 2, 2003

MSPB REPORTS ON ACCOMPLISHMENTS IN FY 2003

Chairman Susanne T. Marshall announced today that the Merit Systems Protection Board (MSPB or the Board) has filed its FY 2003 Performance and Accountability Report (PAR) with the President, the Office of Management and Budget (OMB), and Congress. The PAR combines the annual program performance report required by the Government Performance and Results Act, the agency's audited financial statements, the annual report required by the Federal Managers' Financial Integrity Act, and information that was previously published in MSPB annual reports.

The PAR includes a discussion of the most significant decisions issued by the Board and the United States Court of Appeals for the Federal Circuit in FY 2003 on Federal employee appeals of personnel actions, retirement decisions, and other matters over which the Board has jurisdiction. Included in this discussion are summaries of several important decisions interpreting the Whistleblower Protection Act (WPA) and the Veterans Employment Opportunities Act (VEOA). The report also provides statistical information about cases closed by the Board during the fiscal year and summarizes the reports of merit systems studies issued.

The Board reports that in FY 2003, a total of 8,416 cases were decided—including 7,227 decided by MSPB administrative judges at the regional and field office level. The full Board in Washington decided 1,174 cases, and 15 were decided by administrative law judges. Adverse actions (removals, demotions, suspensions, and furloughs) accounted for 48 percent of the appeals decided by MSPB judges in FY 2003. Retirement appeals constituted almost 23 percent of the total. These numbers are consistent with prior years. The remaining appeals involved other appealable personnel

actions—such as performance-based removals and demotions, reduction-in-force (RIF) separations and demotions, and terminations of probationary employees—and alleged violations of the WPA, the VEOA, and the Uniformed Services Employment and Reemployment Rights Act (USERRA). The United States Postal Service accounted for the largest number of appeals decided—1,447, followed by the Office of Personnel Management (OPM) with 1,414. Most appeals filed against OPM involve decisions made by that agency as administrator of the Civil Service Retirement System and the Federal Employees’ Retirement System.

With respect to the agency’s FY 2003 Performance Plan, the MSPB met or substantially met 18 of its 21 performance goals, for a success rate of 86 percent. This rate is comparable to that achieved in prior years, despite the impact of Board vacancies on the case processing goals at headquarters. At the regional and field office level, cases were processed in an average of 94 days—a result that exceeds the established goal. The regional and field offices also continued to exceed the goal for settling cases, with a settlement rate of 54 percent. The full Board and MSPB administrative judges, who share responsibility for the goal with respect to Federal Circuit review of final decisions, achieved a rate of 94 percent of final decisions unchanged by the court.

Information presented in the financial section of the PAR demonstrates that the MSPB received a “clean” opinion from its independent auditor for the first year in which the agency was required to have an audit of its financial statements performed. The auditor’s reports on the financial statements, internal control over financial reporting, and compliance with laws and regulations are all included in the PAR.

The “Management Discussion and Analysis” section of the PAR closes with a discussion of the potential impact on the Board of the new laws authorizing the Department of Homeland Security (DHS) and the Department of Defense (DOD) to establish unique personnel systems. Under these laws, DHS and DOD may provide for internal appeals systems through regulations issued jointly with the OPM Director.

The MSPB became subject to the requirement to file annual audited financial statements following the enactment last year of the Accountability of Tax Dollars Act. Subsequently, OMB notified agencies covered by that Act that they would be required to combine their performance and financial reports into a PAR beginning with the report for FY 2004. While OMB made filing a PAR for FY 2003 optional for these agencies, the MSPB elected to file a PAR for FY 2003 and, thus, met the new requirement a year early.

The Board's FY 2003 PAR is available on the MSPB website, www.mspb.gov. Early next year, the MSPB will make printed copies of the PAR available, which can be ordered from the Clerk of the Board at MSPB headquarters.

The Board is an independent, quasi-judicial agency with responsibility for deciding Federal employee appeals from personnel actions taken against them and for protecting the integrity of the civil service and other Federal merit systems. The Board also conducts studies of the civil service and other merit systems in the Executive Branch.

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