

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD**

VELMA SALINAS-NIX,
Appellant,

DOCKET NUMBER
DA-0752-10-0513-I-1

v.

DEPARTMENT OF THE ARMY,
Agency.

DATE: July 19, 2012

THIS FINAL ORDER IS NONPRECEDENTIAL¹

John R. Teakell, Esquire, Dallas, Texas, for the appellant.

Erika McPherson, Esquire, Fort Belvoir, Virginia, for the agency.

BEFORE

Susan Tsui Grundmann, Chairman
Anne M. Wagner, Vice Chairman
Mark A. Robbins, Member

FINAL ORDER

The appellant has filed a petition for review of the initial decision that affirmed the indefinite suspension action. For the reasons set forth below, we AFFIRM AS MODIFIED the initial decision.²

¹ A nonprecedential order is one that the Board has determined does not add significantly to the body of MSPB case law. Parties may cite nonprecedential orders, but such orders have no precedential value; the Board and administrative judges are not required to follow or distinguish them in any future decisions. In contrast, a precedential decision issued as an Opinion and Order has been identified by the Board as significantly contributing to the Board's case law. See [5 C.F.R. § 1201.117\(c\)](#).

² After the administrative judge issued the initial decision on November 17, 2010, the Board issued several significant decisions concerning Chapter 75 actions arising from

BACKGROUND

The appellant is a Supervisory Contract Specialist with the Expeditionary Contracting Command, 410th Contracting Support Brigade. *See* Initial Appeal File (IAF), Tab 11, Subtab 4c at 1. As a condition of employment, she must maintain a top secret level security clearance. *Id.*, Subtab 4b, Tab 30, Volume (Vol.) 4 at 12, 18.

On October 7, 2009, during the Army Criminal Investigation Command's (CIC's) ongoing criminal investigation into the appellant's alleged procurement fraud, the appellant allegedly admitted that she structured currency transactions to evade reporting requirements in violation of [31 U.S.C. § 5324](#) and remitted negotiable instruments in order to avoid paying taxes. IAF, Tab 11, Subtab 4r. On October 15, 2009, the agency informed the appellant of its decision to suspend her security clearance and access to classified information pending the results of an ongoing investigation.³ *Id.*, Subtab 4s. The suspension would remain in effect until the Army Personnel Central Clearance Facility (CCF) finally adjudicated the matter. *Id.*

an employee's loss of a security clearance, which affect our analysis in this case. *See Gargiulo v. Department of Homeland Security*, [118 M.S.P.R. 137](#) (2012); *McGriff v. Department of the Navy*, [118 M.S.P.R. 89](#) (2012); *Hall v. Department of Defense*, [117 M.S.P.R. 687](#) (2012); *Conyers v. Department of Defense*, [115 M.S.P.R. 572](#) (2010); *Northover v. Department of Defense*, [115 M.S.P.R. 451](#) (2010). Although we discern no error in the administrative judge's findings based on the existing law at that time, we analyze this case under the clarified legal frameworks set forth in the aforementioned decisions.

³ A suspension of a security clearance is the temporary loss of an individual's access to classified information, unlike a revocation of eligibility for a security clearance, which results in the permanent loss of a security clearance. IAF, Tab 30, Vol. 4 at 115-118, 151-152. It is undisputed that the local agency suspended the appellant's access to classified information and that the Army Personnel Central Clearance Facility has not yet made a final determination regarding the revocation of the appellant's security clearance eligibility. IAF, Tab 11, Subtab 4s, Tab 30, Vol. 4 at 115-116.

On April 12, 2010,⁴ Theodore Harrison proposed to indefinitely suspend the appellant based on the suspension of her security clearance and access to classified information and an ongoing criminal investigation in which the appellant made a statement to investigators indicating that she may have engaged in a crime or other off-duty misconduct. *Id.*, Subtab 4h. The appellant responded. *Id.*, Subtab 4e. Deciding Official Daniel Gallagher indefinitely suspended the appellant effective May 17, 2010. *Id.*, Subtab 4c.

The appellant timely filed a Board appeal of the indefinite suspension action alleging, among other things, that the agency committed harmful procedural error and violated her due process rights. IAF, Tabs 1, 19. After the appellant withdrew her request for a hearing, IAF, Tabs 21-22, the administrative judge affirmed the indefinite suspension action. Initial Decision (ID) at 1, 10. She found that: (1) A charge of an ongoing criminal investigation cannot be sustained pursuant to *Gonzalez v. Department of Homeland Security*, [114 M.S.P.R. 318](#) (2010)⁵; (2) the agency proved that the appellant was required to maintain a security clearance and her security clearance was suspended; (3) the appellant was aware of the reasons for the security clearance suspension and was afforded an opportunity to respond to the proposed indefinite suspension action and, thus, the appellant was afforded minimum due process; and (4) the indefinite suspension action promotes the efficiency of the service and falls within the tolerable limits of reasonableness. ID at 4-10.

⁴ The agency initially proposed to indefinitely suspend the appellant on October 19, 2009, but later rescinded the proposal notice. IAF, Tab 11, Subtabs 4m, 4q. It issued a new proposal notice on November 6, 2009, which it also rescinded. *Id.*, Subtab 4h at 1, Subtab 4n. The appellant responded to both proposal notices. *Id.*, Subtab 4c at 2, Subtabs 4l, 4p.

⁵ The agency does not challenge this finding on review and, for the reasons discussed below, we sustain the indefinite suspension action based on the suspension of the appellant's security clearance. Thus, we need not address this issue.

The appellant has filed a petition for review.⁶ Petition for Review (PFR) File, Tab 1. The agency has responded in opposition. PFR File, Tab 3.

ANALYSIS

The Board has held that, to sustain an indefinite suspension, the agency must show that: (1) It imposed the suspension for an authorized reason; (2) the suspension has an ascertainable end, i.e., a determinable condition subsequent that will bring the suspension to a conclusion; (3) the suspension bears a nexus to the efficiency of the service; and (4) the penalty is reasonable. *Hall v. Department of Defense*, [117 M.S.P.R. 687](#), ¶ 10 (2012). With respect to what constitutes an authorized reason for indefinitely suspending an employee, the Board has approved indefinite suspension actions when the employee's access to classified information has been suspended and the employee must have such access to perform her job, pending a final determination on the employee's access to classified information. *Id.*, ¶ 11 (citing *Gonzalez*, [114 M.S.P.R. 318](#), ¶ 13).

Here, the agency indefinitely suspended the appellant based upon the October 15, 2009 decision to suspend the appellant's security clearance. IAF, Tab 11, Subtabs 4c, 4h, 4s. Neither party disputes that the indefinite suspension action will end when the CCF issues a final determination regarding the

⁶ On review, the appellant asserts that she withdrew her request for a hearing based on the administrative judge's preliminary finding that the agency violated her due process rights and that the administrative judge subsequently "changed her mind" based on the agency's motion to supplement the summary of the telephonic prehearing conference. Petition for Review File, Tab 1 at 3. She argues that the administrative judge denied her the right to a hearing in failing to afford her an opportunity to rescind her withdrawal. *Id.* However, the appellant has not pointed to any law, rule, or regulation to support this bare assertion. Further, nothing in the written withdrawal, which was submitted by the appellant's attorney, indicates that the appellant conditioned her withdrawal upon the administrative judge's alleged finding that the agency violated her due process rights. *See* IAF, Tab 21. Furthermore, the appellant had the opportunity to respond to the agency's motion to supplement the prehearing conference summary prior to the September 30, 2010 close of the record, but failed to do so. *See* IAF, Tabs 22-23. Thus, the appellant's argument that she was denied the right to a hearing is without merit.

revocation of the appellant's security clearance, and, thus, the action has an ascertainable end. *Id.*, Subtab 4c at 4. Further, it is undisputed that the appellant must maintain a top secret level security clearance as a condition of employment. *Id.*, Subtab 4b, Tab 30, Vol. 4 at 12, 18. Thus, we find that the agency proved that it had an authorized reason for indefinitely suspending the appellant and the indefinite suspension action has an ascertainable end.

On review and on appeal below, the appellant argues the merits of the security clearance determination, which are also the merits of the indefinite suspension action. *See* PFR File, Tab 1 at 11-14; IAF, Tab 1 at 7. However, the Board may not examine the underlying merits of a security clearance determination in an indefinite suspension action arising from an agency's decision to suspend an employee's security clearance or access to classified information. *See Department of the Navy v. Egan*, [484 U.S. 518](#), 530 (1988) (holding that the Board lacks the authority to review the substance of a security clearance determination); *Northover v. Department of Defense*, [115 M.S.P.R. 451](#), ¶¶ 3, 13 (2010) (holding that the *Egan* rule only applies when the agency has made a decision to deny, revoke, or suspend access or eligibility for access to classified information).

The Board may, however, review whether the agency provided the employee with the procedural protections set forth in [5 U.S.C. § 7513](#) in taking an adverse action, whether the agency committed harmful error in failing to follow its applicable regulations, and whether the agency afforded the appellant minimum due process with respect to her constitutionally-protected property interest in her employment. *See Egan*, 484 U.S. at 530; *Gargiulo v. Department of Homeland Security*, [118 M.S.P.R. 137](#), ¶ 10 (2012). A tenured Federal employee who is indefinitely suspended based on an agency's security clearance determination is constitutionally entitled to due process, i.e., notice of the reasons for the indefinite suspension and a meaningful opportunity to respond to those reasons. *Gargiulo*, [118 M.S.P.R. 137](#), ¶ 11.

Due process relates to time, place, and circumstances, and therefore its parameters in any given case will be a function of the demands of the particular situation. *Id.* (citing *Gilbert v. Homar*, [520 U.S. 924](#), 930 (1997)). In this regard, the Court has instructed that we look at the following three factors: (1) The private interest affected by the official action; (2) the risk of erroneous deprivation of the interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the government's interest. *Id.* (citing *Homar*, 520 U.S. at 931-32).

Here, the appellant alleges that the agency violated her constitutional due process rights. PFR File, Tab 1 at 15-20; IAF, Tab 19, Due Process Brief. Consistent with our holding in *Gargiulo*, we find that the appellant was entitled to constitutional due process upon being indefinitely suspended based on the agency's security clearance determination, and therefore we consider the *Homar* factors in order to determine whether the timing, place, and circumstance of the procedures used in this case afforded the appellant her right to due process.

Concerning the first factor, it is undisputed that the appellant has been on suspension since May 17, 2010, pending a final decision from the CCF regarding the revocation of her eligibility for a security clearance. IAF, Tab 11, Subtab 4c at 1, Tab 30, Vol. 4 at 156. Such a length of time represents a significant deprivation of the appellant's property interest. However, the undisputed record evidence shows that the appellant was afforded notice and an opportunity to respond to the reasons for the suspension of her security clearance prior to the imposition of the indefinite suspension action. *See* IAF, Tab 11, Subtab 4c at 2, Subtab 4e, Subtab 4h at 5, Subtab 4l. Thus, despite the prolonged nature of the suspension, we cannot conclude that the "timing" of the notice and opportunity to respond rendered the process afforded her constitutionally defective. *See Buelna v. Department of Homeland Security*, [118 M.S.P.R. 115](#), ¶ 12 (2012).

Regarding the third factor, the agency undoubtedly has a compelling interest in withholding national security information from unauthorized persons,

and, thus, this factor arguably weighs in favor of the government's authority to take immediate action without affording the appellant notice and an opportunity to respond prior to indefinitely suspending her. *See Egan*, 484 U.S. at 527; *Gargiulo*, [118 M.S.P.R. 137](#), ¶ 13. However, given that the agency did provide the appellant with prior notice and an opportunity to respond to the indefinite suspension action, the government's interest is somewhat inconsequential to the ultimate issue regarding whether the appellant received constitutional due process. *See Gargiulo*, [118 M.S.P.R. 137](#), ¶ 13.

In discussing the second *Homar* factor, i.e., the risk of erroneous deprivation of the property interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards, the Court focused on the need to ensure that the procedures used provide adequate assurance that the agency had reasonable grounds to support the adverse action. *Id.*, ¶ 14 (citing *Homar*, 520 U.S. at 933-934.) Here, based on the totality of the evidence, we find that the agency had reasonable grounds to support the indefinite suspension action. The April 12, 2010 notice proposed to indefinitely suspend the appellant based in part upon the October 15, 2009 decision to suspend her security clearance. IAF, Tab 11, Subtabs 4h, 4s. In turn, the security clearance determination arose from the CIC's ongoing criminal investigation, during which the appellant admitted to structuring transactions to evade reporting requirements and remitting negotiable instruments to avoid paying taxes. *See id.*, Subtabs 4j, 4r, 4s. Proposing Official Harrison considered that the appellant must maintain a security clearance as a Supervisory Contract Specialist who accesses classified and confidential information in approving procurements and oversees those who bind the government in transactions, and that her security clearance was suspended pending the results of the ongoing criminal investigation. *Id.*, Subtabs 4b, 4h. Based on the foregoing, the agency had reasonable grounds to support the indefinite suspension action sufficient to avoid the risk that the appellant's

property interest had been erroneously compromised as a result of the procedures used.

The appellant alleges that the agency failed to provide her with the evidence upon which it based the indefinite suspension action and made vague allegations regarding her alleged misconduct, therein depriving her of an opportunity to provide a meaningful response to the proposed action. PFR File, Tab 1 at 18-20; IAF, Tab 1 at 7. However, the record shows that Proposing Official Harrison relied upon the October 16, 2009 CIC memorandum, the October 15, 2009 security clearance determination, and Special Agent Mark Jackson's affidavit, which is an attachment to the search warrant for the appellant's residence, in proposing to indefinitely suspend the appellant, and that the appellant received copies of these documents prior to the effective date of the indefinite suspension action. *See* IAF, Tab 11, Subtab 4e at 2, 4, Subtabs 4h, 4k, 4r, 4s. To the extent the appellant contends that the agency relied upon other information in proposing her indefinite suspension, the record evidence does not support this bare assertion. Further, the appellant appears to allege that the agency's allegations are vague on the ground that the agency failed to identify the dates and amounts of each deposit and the bank accounts to which the deposits were made. PFR File, Tab 1 at 18-20; IAF, Tab 1 at 7. However, the mere fact that the proposal notice does not describe the appellant's deposits to her preferred level of specificity does not mean that the agency failed to sufficiently notify her of the basis for the indefinite suspension action. The asserted facts upon which Proposing Official Harrison relied in proposing the appellant's suspension are fully set forth in the proposal notice and in Special Agent Jackson's affidavit.

Although the October 15, 2009 notice of suspension of the appellant's security clearance merely states that her access to classified information is suspended pending an ongoing investigation, this notice coupled with the October 16, 2009 CIC memorandum and the April 12, 2010 proposal notice informed the appellant that the agency suspended her access to classified information pending

an ongoing criminal investigation into whether she structured bank deposits to avoid reporting requirements and remitted negotiable instruments in order to avoid paying taxes. *Id.*, Subtabs 4h, 4r, 4s, Tab 30, Vol. 4 at 58-59. The record reflects that the appellant responded both orally and in writing to the rescinded November 6, 2009 proposal notice and responded in writing to the April 12, 2010 proposal notice. IAF, Tab 11, Subtab 4c at 2, Subtabs 4e, 4l. In her written response to the April 12, 2010 proposal notice, the appellant recognizes that the basis for suspending her security clearance is the same basis underlying the indefinite suspension action. *Id.*, Subtab 4e at 29. Thus, the notice of proposed indefinite suspension gave the appellant enough information to enable her to meaningfully respond to the agency's proposed indefinite suspension action prior to effecting the action.

The appellant asserts that the agency erred in denying her an opportunity to appeal the security clearance determination within the agency pursuant to Army Regulation (AR) 380-67 and [32 C.F.R. § 154.56](#). PFR File, Tab 1 at 18; IAF, Tab 19, Due Process Brief. However, Security Specialist Yvonne Melchoir testified during her deposition that the agency procedures do not provide for a right to appeal a temporary suspension of a security clearance and access to classified information. IAF, Tab 30, Vol. 4 at 152-159. After all "legal proceedings have taken place," the CCF reviews the matter and, during the due process phase, affords the employee an opportunity to submit evidence to counter the government's claim. *Id.* at 156. The procedures set forth at AR 380-67 and [32 C.F.R. § 154.56](#) only afford an employee the opportunity to respond once the CCF makes a final determination regarding the employee's eligibility for a security clearance. *Id.* at 152-159.

Providing an appellant with a reasonable opportunity to reply that satisfies constitutional due process requires more than mere notice; the reply opportunity may not be an empty formality, and the deciding official should have authority to take or recommend agency action based on the reply. *McGriff v. Department of*

the Navy, [118 M.S.P.R. 89](#), ¶ 33 (2012). In other words, the deciding official must have the authority to change the outcome of a proposed indefinite suspension by either reinstating the appellant's access to classified information or reassigning her to a position not requiring access to classified information. *Id.*, ¶¶ 33-36. This is particularly important where the employee did not have a meaningful opportunity to respond to the reasons for the suspension of the security clearance in the earlier access determination. *Id.*

We analogize this case to *Gargiulo*, where the Board found that the record evidence showed that the deciding official had the authority to change the outcome of the indefinite suspension action. *Gargiulo*, [118 M.S.P.R. 137](#), ¶¶ 20-21. Although the security department issued the security clearance determination and forwarded the matter to the CCF for final adjudication regarding the revocation of the appellant's security clearance, the record evidence reflects that Deciding Official Gallagher requested that Melchoir and other security specialists suspend the appellant's local security clearance and that the security specialists followed the established security processes to effect the temporary suspension. IAF, Tab 30, Vol. 4 at 56-62, 112, 132-140. Further, Deciding Official Gallagher stated that he considered the appellant's responses to the proposed indefinite suspension action, the possible mitigating factors, and alternative penalties such as reassignment, but ultimately decided to indefinitely suspend the appellant. IAF, Tab 11, Subtab 4c at 2-4, Tab 30, Vol. 4 at 28, 81-82, 96, 122; *see Gargiulo*, [118 M.S.P.R. 137](#), ¶ 19 (finding that the deciding official possessed the authority to change the outcome of the indefinite suspension action, evidenced by the agency's claim that the deciding official had the authority to impose any other penalty deemed appropriate and the deciding official's statement that the suspension action would remain in effect pending resolution of the revocation of Gargiulo's clearance or until there was evidence sufficient to either return the appellant to duty or to take administrative action against him). Human Resources Specialist Jerry Hines corroborated that the local command has the discretion to

reassign an employee. IAF, Tab 30, Vol. 4 at 31, 49. Based on the foregoing, we find that Deciding Official Gallagher possessed the authority to reassign the appellant to a position not requiring access to classified information and to either reinstate or to recommend the reinstatement of the appellant's local security clearance. Thus, the appellant did have a meaningful opportunity to respond to the security clearance determination before she was indefinitely suspended, and, consequently was not deprived of her constitutional right to due process when the agency effected the suspension. To the extent the appellant asserts that Gallagher was not the commander and therefore lacked the authority to suspend her security clearance under AR 380-67, this matter is not properly before the Board. *See* IAF, Tab 19, Due Process Brief.

The Board has held that, even if an agency did not violate an employee's right to minimum due process, the employee may still show that the agency committed harmful error in failing to follow statutory provisions or its own regulations. *Gargiulo*, [118 M.S.P.R. 137](#), ¶ 22. The employee bears the burden of proving harmful error. *Id.* Here, the appellant contends that the agency's due process violations also amount to harmful procedural error. However, as set forth above, we do not find that the agency violated her due process rights, and the appellant provides no other basis for finding harmful error.

On review and on appeal below, the appellant alleges that the agency failed to prove that a nexus exists between her alleged criminal off-duty misconduct and the efficiency of the service. PFR File, Tab 1 at 11-14, 22-23; IAF, Tab 1 at 12-14. To the extent the appellant is rebutting that she engaged in criminal misconduct, the Board may not review the merits of the suspension of her security clearance. *Jones v. Department of the Navy*, [48 M.S.P.R. 680](#), 690 (1991), *aff'd*, [978 F.2d 1223](#) (Fed. Cir. 1992). In this case, the Board may only review whether a nexus exists between the indefinite suspension action, which was based on the suspension of the appellant's security clearance, and the efficiency of the service. *See Hall*, [117 M.S.P.R. 687](#), ¶ 10;

Gonzalez, [114 M.S.P.R. 318](#), ¶ 11. Here, the undisputed record evidence demonstrates that the appellant could not access any classified information, let alone her computer, or access the building of her duty station once the agency suspended her security clearance; without access to classified information, the appellant could not perform her job duties as a Supervisory Contract Specialist. IAF, Tab 11, Subtab 4h, Tab 30, Vol. 4 at 25, 28, 81-82, 96-99, 122. Thus, the administrative judge correctly found that a nexus exists between the indefinite suspension action and the efficiency of the service. *See Merritt v. Department of Justice*, [6 M.S.P.R. 585](#), 596 (1981), *modified by Kruger v. Department of Justice*, [32 M.S.P.R. 71](#), 75 n.2 (1987); ID at 8-9.

In order to establish that an indefinite suspension is reasonable, the agency must show that a lesser penalty, such as reassignment, would be ineffective under the circumstances. *Sanchez v. Department of Energy*, [117 M.S.P.R. 155](#), ¶ 12 (2011). Absent a “showing of an existing agency policy to reassign employees to alternative positions where feasible as manifested by regulation,” the Board will end its inquiry once it determines that an employee has failed to maintain a security clearance and that she has received the procedural protections provided by [5 U.S.C. § 7513](#). *Brown v. Department of the Navy*, [49 M.S.P.R. 425](#), 431 (1991).

Here, nothing in the record evidence shows that the agency was required under regulation or existing agency policy to reassign the appellant to a position that does not require a security clearance. To the contrary, reassignment of an employee falls within the discretion of command and the security manager. IAF, Tab 30, Vol. 4 at 31, 49. Deciding Official Gallagher considered lesser penalties, but ultimately determined that reassignment was not feasible because the appellant could not access her computer or the building of her duty station. IAF, Tab 11, Subtab 4c; *see also* IAF, Tab 30, Vol. 4 at 28, 81-82, 96, 122. Thus, the agency proved that a lesser penalty would be ineffective under the circumstances. *See* ID at 9-10.

On review and on appeal below, the appellant disagrees with the deciding official's weighing of the *Douglas* factors. PFR File, Tab 1 at 21-22; IAF, Tab 1 at 14-17. For example, she argues that the deciding official should have afforded greater weight to the mitigating factors and that her misconduct was not serious. PFR File, Tab 1 at 21-22. However, we agree with the administrative judge that the decision notice and Deciding Official Gallagher's deposition testimony reflect that Deciding Official Gallagher considered the relevant *Douglas* factors and found that the seriousness of the appellant's misconduct, his loss of trust in the appellant, and the higher standard of conduct to which the appellant was held as a supervisor outweighed the appellant's work performance and lack of prior discipline. ID at 9; IAF, Tab 11, Subtab 4c, Tab 29, Deposition Transcripts at 83-89. Contrary to the appellant's assertions, Deciding Official Gallagher was not precluded from considering newspaper articles in the Chicago Tribune and the San Antonio Express about her alleged criminal misconduct, which go to the notoriety of the appellant's misconduct and the negative publicity for the agency, in his penalty assessment. *See* IAF, Tab 19, Due Process Brief. Thus, the agency considered all the relevant factors and exercised management discretion within the tolerable limits of reasonableness. *See Douglas v. Veterans Administration*, [5 M.S.P.R. 280](#), 306 (1981); ID at 9.

Accordingly, we AFFIRM AS MODIFIED the initial decision. Except as modified by this Final Order, the initial decision of the administrative judge is the Board's final decision.

**NOTICE TO THE APPELLANT REGARDING
YOUR FURTHER REVIEW RIGHTS**

This is the Board's final decision in this matter. [5 C.F.R. § 1201.113](#). You have the right to request the United States Court of Appeals for the Federal Circuit to review this final decision. You must submit your request to the court at the following address:

United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

The court must receive your request for review no later than 60 calendar days after your receipt of this order. If you have a representative in this case, and your representative receives this order before you do, then you must file with the court no later than 60 calendar days after receipt by your representative. If you choose to file, be very careful to file on time. The court has held that normally it does not have the authority to waive this statutory deadline and that filings that do not comply with the deadline must be dismissed. *See Pinat v. Office of Personnel Management*, [931 F.2d 1544](#) (Fed. Cir. 1991).

If you need further information about your right to appeal this decision to court, you should refer to the federal law that gives you this right. It is found in Title 5 of the United States Code, section 7703 ([5 U.S.C. § 7703](#)). You may read this law, as well as review the Board's regulations and other related material, at our website, <http://www.mspb.gov>. Additional information is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's [Rules of Practice](#), and [Forms 5, 6, and 11](#).

FOR THE BOARD:

William D. Spencer
Clerk of the Board

Washington, D.C.