



MERIT SYSTEMS PROTECTION BOARD FORM 185-3

APPEAL OF OPM OR AGENCY RETIREMENT DECISION OR ACTION

Complete this form and attach it to MSPB Form 185-1 if you are appealing an administrative decision or action by the Office of Personnel Management (OPM) or a Federal agency affecting your rights or benefits under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). See 5 CFR 1201.3(a)(6). If the decision or action is appealable to the Board, you should have received a final decision from OPM or the agency that informs you of your right to file an appeal with the Board.

Please type or print legibly.

OMB No. 3124-0009

Name (last, first, middle initial)

1. In which retirement system are you enrolled?

- CSRS CSRS Offset FERS
 Other, describe:

2. Are you a:

- Current Employee Annuitant Surviving Spouse
 Other, describe:

3. If retired, date of retirement (month, day, year):

4. Are you appealing an action or decision concerning a retirement coverage error under the provisions of the Federal Erroneous Retirement Coverage Corrections Act (FERCCA)?

- Yes No

5. Describe the retirement decision or action you are appealing.

Answer **either** Question 6 or Question 7, whichever applies to your appeal. **Please submit only the attachment requested in Question 6 or Question 7 at this time.** You will be afforded the opportunity to submit detailed evidence in support of your appeal later in the proceeding.

6. If you are appealing an OPM retirement decision, have you received a final or reconsideration decision from OPM?

- Yes (Attach a copy) No

If "Yes," on what date did you receive the OPM final or reconsideration decision (month, day, year)?

7. If you are appealing a retirement decision or action by a Federal agency other than OPM, have you received a final decision from that agency?

- Yes (Attach a copy) No

If "Yes," on what date did you receive the agency decision (month, day, year)?



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Please type or print legibly.

8. Why do you think the decision or action was wrong?

9. What action would you like the Board to take in this case (i.e., what remedy are you asking for)?

You may raise certain other claims in connection with an appeal of a retirement decision or action. Such claims must be raised no later than the close of the pre-hearing conference on your appeal. **See 5 CFR 1201.24(b)**. If you wish to raise any of these claims at this time, complete and attach the appropriate form as described below. **Please review the instructions for these forms—and the laws and regulations cited below—carefully. Remember that you are responsible for proving each claim you raise.**

MSPB Form 185-4A—For claims that the agency made mistakes in applying required procedures (harmful error) or that the agency violated a law in taking the action or making the decision. **See 5 CFR 1201.56(b)(1), (b)(3), and (c)(3)**. **DO NOT** use this form for claims of a violation of law for which another form is provided; instead, use the appropriate form described below.

NOTE: The kinds of claims that may be raised in the following forms are RARELY applicable to retirement appeals.

MSPB Form 185-4B—For claims that the agency action or decision was the result of prohibited discrimination (race, color, religion, sex, national origin, disability, age). **See 5 CFR 1201.151 and 1201.153**.

MSPB Form 185-4C—For claims that the agency action or decision was the result of a prohibited personnel practice. **See 5 U.S.C. 2302(b) and 5 CFR 1201.56(b)(2)**. **DO NOT** use this form for whistleblower or veterans' preference claims; instead, use the appropriate form described below.

MSPB Form 185-5—For claims that the agency action or decision was based on whistleblowing. **See 5 U.S.C. 2302(b)(8), 5 CFR 1209.2(b)(2), and 5 CFR 1209.6(a)**. (You may also request that the Board **stay** the action or decision by completing and attaching **MSPB Form 185-6**. **See 5 CFR 1209.8 and 1209.9**.)

MSPB Form 185-7—For claims that the agency violated your rights under USERRA (other than rights related to the Thrift Savings Plan for Federal employees) in taking the action or making the decision. **See 38 U.S.C. 4324, 5 CFR 1208.11, and 5 CFR 1208.13**.

MSPB Form 185-8—For claims that the agency violated a law or regulation relating to veterans' preference in taking the action or making the decision. **IMPORTANT:** If you choose to make your veterans' preference claim in connection with this appeal of an agency action or decision, you may NOT also file a VEOA complaint with the Secretary of Labor. **See 5 U.S.C. 3330a(e) and 5 CFR 1208.26**.