



MERIT SYSTEMS PROTECTION BOARD FORM 185-4C CLAIMS OF PROHIBITED PERSONNEL PRACTICES

Complete this form and attach it to MSPB Form 185-1 if you are raising a claim—in connection with an appeal of an agency action or decision for which you have completed MSPB Form 185-2 or MSPB Form 185-3—that the agency action or decision was the result of one or more of the statutory prohibited personnel practices. See 5 U.S.C. 2302(b).

DO NOT use this form for any of the following prohibited personnel practice claims:

- A claim that the action or decision was the result of discrimination based on race, color, religion, sex, national origin, disability, or age, 5 U.S.C. 2302(b)(1); complete MSPB Form 185-4B instead.
- A claim that the action or decision was based on whistleblowing, 5 U.S.C. 2302(b)(8); complete MSPB Form 185-5 instead.
- A claim that the action or decision violated a veterans' preference requirement, 5 U.S.C. 2302(b)(11); complete MSPB Form 185-8 instead.

Please type or print legibly.

OMB No. 3124-0009

Name (last, first, middle initial)

Prohibited Personnel Practices – The statutory prohibited personnel practices are set forth at 5 U.S.C. 2302(b)(1)-(b)(12). An allegation of a prohibited personnel practice is **not** an independent source of Board jurisdiction. The underlying action must first be within the Board's jurisdiction before an allegation of a prohibited personnel practice may be considered by the Board. See 5 CFR 1201.56(b)(2).

The Prohibited Personnel Practices statute, 5 U.S.C. 2302, does **not** apply to all personnel actions or to all Federal employees. Please review the definitions of "personnel action," "covered position," and "agency" at 5 U.S.C. 2302(a) to be sure that both you and the action or decision you are appealing are covered by those definitions before you complete and submit this form.

1. Check the appropriate box (or boxes) below to indicate the basis (or bases) of your claim that the agency committed a prohibited personnel practice **in connection with the action or decision you described in MSPB Form 185-2 or MSPB Form 185-3.**

- | | |
|---|--|
| <input type="checkbox"/> Discrimination based on marital status or political affiliation | <input type="checkbox"/> Nepotism |
| <input type="checkbox"/> Soliciting or considering employment recommendations not based on the individual's work performance, ability, aptitude, general qualifications, suitability, character, or loyalty | <input type="checkbox"/> Taking or failing to take a personnel action as a reprisal for the exercise of any appeal, complaint or grievance right; for assisting anyone else in exercising such a right; for cooperating with or disclosing information to the Special Counsel or the Inspector General of an agency; or for refusing to obey an order that would require the individual to violate a law |
| <input type="checkbox"/> Coercing the political activity of any person | <input type="checkbox"/> Discriminating on the basis of personal conduct which does not adversely affect the performance of the employee or applicant or the performance of others, except in case of criminal conviction for the conduct |
| <input type="checkbox"/> Deceiving or willfully obstructing a person's right to compete for employment | <input type="checkbox"/> Taking or failing to take any other personnel action that would violate any law, rule, or regulation implementing or directly concerning the merit system principles |
| <input type="checkbox"/> Influencing any person to withdraw from competition for any position, whether to help or hurt anyone else's employment prospects | |
| <input type="checkbox"/> Giving unauthorized preferential treatment to any employee or applicant | |