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RESPONSE TO THE WASHINGTON POST'S "FEDERAL DIARY" ARTICLES

The Merit Systems Protection Board (MSPB) disputes the contention in The Washington Post's October 27 "Federal Diary" column that MSPB and the Office of Special Counsel (OSC) are at odds regarding the number of stay requests made by OSC and granted by MSPB since 2008.

An earlier "Federal Diary" column on October 19 stated that OSC had "won no stays from [MSPB] in 2008, 2009, or 2010." The MSPB responded in a [letter to The Washington Post](#) stating: MSPB cannot issue stays on its own motion; a stay must be requested by OSC; and all initial stay requests from OSC since 2009 were granted.

It should be noted that the MSPB data supplied to The Washington Post predates the arrival of the current Special Counsel.

The MSPB's data shows (case caption – MSPB docket number – outcome of request):

- FY 2008 No stays requested
- FY 2009 *Special Counsel, ex rel. John Meyers v. Department of Housing and Urban Development* - CB-1208-09-0007-U-1 - effected by operation of law
- FY 2010 *Special Counsel, ex rel. Stephen Patrick v. Department of Energy* - CB-1208-10-0019-U-1 - effected by operation of law

Special Counsel, ex rel. Maria Aran v. Department of Homeland Security - CB-1208-10-0020-U-1 - granted
- FY 2011 *Special Counsel, ex rel. Susan Morris v. Environmental Protection Agency* - CB-1208-11-0001-U-1 - granted

Special Counsel, ex rel. David Butterfield v. Department of Homeland Security - CB-1208-11-0018-U-1 - granted
- FY 2012 *Special Counsel, ex rel. Franz Gayl v. Department of the Navy* - CB-1208-12-0001-U-1 - granted

Special Counsel, ex rel. Paul T. Hardy v. Department of Health and Human Services - CB-1208-12-0002-U-1 - effected by operation of law

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency that protects Federal merit systems and the rights of individuals within those systems. The MSPB also conducts studies of the civil service and other merit systems in the Executive Branch.