



U.S. Merit Systems Protection Board

Annual Performance Plan for FY 2025-2026

May 30, 2025

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Foreword

The U.S. Merit Systems Protection Board (MSPB) submits this Annual Performance Plan (APP) for fiscal years (FY) 2025-2026, as required by the Government Performance and Results Act Modernization Act of 2010 (GPRAMA). The APP contains information about MSPB, including its scope of responsibilities; its organization and structure; how it brings value to the merit systems, Federal agencies, the workforce, and the public; and information about Merit System Principles and Prohibited Personnel Practices. The APP is based on the [MSPB Strategic Plan for FY 2022-2026](#). It contains performance goals, measures, and targets for FY 2025 (final) and 2026 (proposed), along with a summary of the external trends and internal management challenges that affect MSPB's work and means and strategies to accomplish the set targets. The primary focus for FY 2025 is to process all initial appeals, including probationary termination and reduction in force appeals, in an efficient and effective manner. Another major initiative in FY 2025 is to create and publish the MSPB Strategic Plan for FY 2026-2030.

The APP has been prepared in accordance with GPRAMA, guidance provided by the Office of Management and Budget (OMB), and other sources. Additional information about MSPB's activities can be found in the forthcoming Annual Report (AR) for FY 2024, pursuant to 5 U.S.C. § 1206. [MSPB's Annual Performance Report \(APR\) for FY 2024](#) and other APR-APPs and ARs are available on MSPB's website at www.mspb.gov.

MSPB invites customers and stakeholders to send comments on the APP for FY 2025-2026 to:

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Introduction

A highly qualified Federal workforce managed under Merit System Principles (MSPs) and in a manner free from Prohibited Personnel Practices (PPPs) is critical to ensuring Federal agency performance and service to the public. MSPs are essential management practices that help ensure the Federal Government’s ability to recruit, select, develop, maintain, and manage a high-quality workforce, and thereby reduce staffing costs and improve organizational results for the American people. PPPs are specific, proscribed behaviors that undermine MSPs and adversely impact the effectiveness and efficiency of the workforce and the Government. MSPB’s fundamental function is to help ensure that the Federal workforce is managed in a manner consistent with MSPs and protected from PPPs.

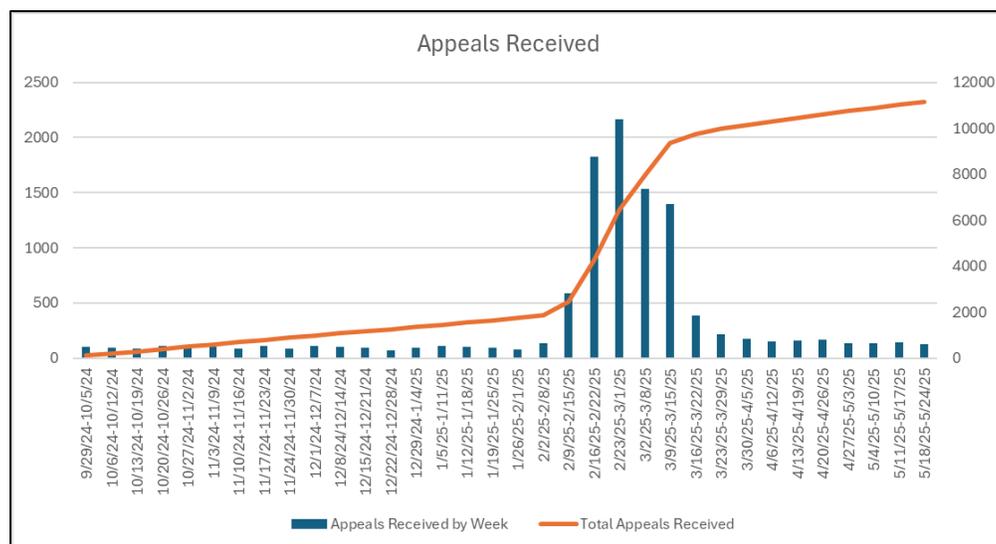
External & Internal Challenges Affecting MSPB Operations

Increased Appeal Receipts

Beginning February 9, 2025, MSPB experienced a significant surge in probationary termination appeals, with the number of cases received since then reaching over 8,700 in less than three months for a total of over 10,600 as of April 28—or more than twice our annual workload for initial appeals in fewer than seven months. This unprecedented influx has placed considerable strain on MSPB’s resources. This surge does *not* include the anticipated wave of appeals resulting from Governmentwide reductions in force (RIFs), which will further stress our already limited capacity.

On February 26, 2025, OPM published “[Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative.](#)” Based on this guidance, agencies were required to create Agency RIF and Reorganization Plans. An individual may appeal the following RIF actions: furlough for more than 30 days, separation, or demotion (5 C.F.R. § 351.901). We are already seeing RIF appeals in our Regional and Field Offices (RO/FOs). Significant numbers of RIF appeals, which are complex and require hearings, would substantially increase MSPB’s adjudication workload in the RO/FOs and, eventually, headquarters (HQ), and may slow case processing times.

The chart below shows the initial appeals received in the RO/FOs during FY 2025 as of May 24, 2025. The appeals include probationary terminations, an initial wave of RIFs, and other types of appeals.



Hiring Freeze

When the Federal civilian hiring freeze began in January 2025, MSPB had 15 hiring actions in progress, with 183 FTEs on board. Currently, MSPB has 175 FTEs with 24% of MSPB employees eligible for retirement. Based on current staffing and anticipated retirements in FY 2025, we expect to begin FY 2026 with 171 or fewer FTEs. This reduced staffing level requires making tradeoffs such as internal staffing details to offices with the greatest need.

Lack of Quorum

As of April 9, 2025, Acting Chairman Henry J. Kerner is the sole serving Board member; therefore, the Board currently lacks a quorum of members. AJs can issue initial decisions when there is a lack of a Board quorum. If either party files a petition for review of an AJ's decision while MSPB lacks quorum, Office of Appeals Council (OAC) staff continue to draft proposed decisions for Board member review. However, a Board decision cannot be issued until a quorum of at least two Board members is restored. As of May 23, there were approximately 751 cases pending before the Board at HQ.

Means and Strategies Needed to Accomplish MSPB's Objectives

The MSPB Strategic Plan for FY 2022-2026 was written to ensure compliance with statutory requirements. The actions associated with each performance goal listed below may be modified based on current events or changes in workload. There are some performance goals from the FY 2022-2026 strategic plan that are being monitored, but currently there are no specific actions tied to them in the APP for FY 2025-2026.

- Performance Goal 1A-RO-2: Ensure processing timeliness for initial decisions (IDs) (including addendum appeals).
- Performance Goal 1A-RO-3: Encourage resolution through alternative dispute resolution (ADR).
- Performance Goal 1A-HQ-2: Reduce the total inventory of HQ cases.
- Performance Goal 1A-HQ-3: Reduce the inventory of the oldest HQ cases.
- Performance Goal 1B-1: Ensure processing timeliness of compliance cases in the RO/FOs.
- Performance Goal 1C-3: Conduct surveys of Federal employees to assess and report on the health of the Federal merit systems.
- Performance Goal 1D-1: Review OPM regulations.
- Performance Goal 1D-2: Review and report on OPM significant actions.
- Performance Goal 2A-1: Conduct effective outreach and engagement.
- Performance Goal 2B-1: Develop and share informational and educational materials and guidance about merit, MSPs, and PPPs.
- Performance Goal 2B-2: Track the scope of references to MSPB's work and work products.
- Performance Goal M1-1: Ensure MSPB's workforce has the competencies needed to perform its mission.
- Performance Goal M2-1: Ensure reliability of MSPB IT systems, hardware, and applications.

A priority action to support all of the strategic goals for FY 2025 and FY 2026 is to ensure that MSPB has sufficient adjudication staff to handle the increased appeal receipts in the RO/FOs, maintain decision quality, provide high-quality and timely adjudication of initial appeals and petitions for review, and meet the targets for studies while reviewing the significant actions of OPM.

Below is a list of MSPB's Strategic Goals and Objectives. For those objectives that have actions planned for FY 2025 or FY 2026 there is a table with the measure of success, target, and actions.

Strategic Goal 1¹

Serve the public interest by protecting merit system principles and safeguarding the civil service from prohibited personnel practices.

Strategic Objective 1A: Provide understandable, high-quality resolution of appeals supported by fair and efficient adjudication and ADR processes.

Strategic Objective 1A-RO: Provide understandable, high-quality resolution of initial appeals in the RO/FOs, supported by fair and efficient adjudication and ADR processes.

Performance Goal 1A-RO-1: Ensure quality of Initial Decisions (IDs).	
Measure: Percentage of reviewed IDs that meet Quality Review Team (QRT) standards.	Target: 85% of decisions reviewed meet QRT standards.
FY 2025 Actions	
The RO/FOs will continue to process initial appeals, committed to providing timely and high-quality decisions. In support of this effort, the Office of Regional Operations (ORO) has been conducting iterative reviews of the QRT's work and standards. A sample of initial decisions will continue to be reviewed annually.	
FY 2026 Actions	
The RO/FOs will continue to process initial appeals, committed to providing timely and high-quality decisions. In support of this effort, ORO will conduct an iterative review of the QRT's work and standards. A sample of initial decisions will continue to be reviewed annually.	

Strategic Objective 1A-HQ: Provide understandable, high-quality resolution of HQ appeals, supported by fair and efficient adjudication and ADR processes.

Performance Goal 1A-HQ-1: Ensure quality of Board decisions.	
Measure: Percentage of MSPB decisions affirmed of the cases decided on the merits by the U.S. Court of Appeals for the Federal Circuit (CAFC).	Target: 90% or higher.
FY 2025 Actions	
Given the increase in litigation cases as most of the inherited inventory has been eliminated, HQ staff will continue to utilize affirmances of MSPB decisions on the merits by the CAFC as a measure the quality of Board decisions at the HQ level.	
FY 2026 Actions	
HQ staff will continue to utilize affirmances of MSPB decisions on the merits by the CAFC as a measure the quality of Board decisions at the HQ level.	

Strategic Objective 1B: Enforce timely compliance with MSPB decisions.

Strategic Objective 1C: Conduct objective, timely studies of the Federal merit systems and Federal Human Capital (HC) management issues.

¹ For Strategic Goal 1, MSPB has stratified the goal by the RO/FOs and HQ offices. This is due to the differences in the cases processed by the offices. The RO/FOs process initial appeals, which often involve discovery and evidentiary hearings. By contrast, the HQ offices process petitions for review that nearly exclusively involve appellate-level record review and decision on the written pleadings.

Performance Goal 1C-1: Publish Issues of Merit (IoM) newsletter or other articles.	
Measure: Number and scope of IoM editions or other articles published.	Target: Develop prototype of new research product line.
FY 2025 Actions	
Develop prototype of new research product line. The current lack of quorum (which also occurred in 2017 and 2022) means fewer publications and makes it difficult to set a performance target for number of publications.	
FY 2026 Actions	
Monitor the efficacy of the research product line.	

Performance Goal 1C-2: Publish MSPB study reports, briefs, or other documents.	
Measure: Number and scope (percentage of the workforce, agencies, or policy areas impacted) of merit systems study reports, briefs, and other documents published each year.	Target: Publish two study documents.
FY 2025 Actions	
OPE anticipates publishing reports with findings from two Research Agenda topics – Human Resources (HR) Workforce and Employee Performance and Conduct.	
OPE is exploring options for conducting short-turnaround synthesis of existing literature to address current issues affecting the merit system. Publication and distribution of such products will be limited due to current staffing shortages and the lack of quorum.	
FY 2026 Actions	
Routinely publish findings and recommendations from merit systems studies in appropriate documents (e.g., research reports, research briefs, other products) and disseminate the documents in suitable ways to both broad-based and targeted audiences.	

Strategic Objective 1D: Review and act upon the rules, regulations, and significant actions of OPM, as appropriate.

Strategic Goal 2

Advance the public interest through education and promotion of stronger merit systems, adherence to merit system principles, and prevention of prohibited personnel practices.

Strategic Objective 2A: Support and improve the practice of merit, adherence to MSPs, and prevention of PPPs in the workplace through successful, targeted outreach and engagement.

Strategic Objective 2B: Advance the understanding of merit, MSPs, and PPPs for stakeholders and the public by developing and sharing informational and educational materials and guidance.

Management Objectives

Management Objective M1: Lead, manage, and develop employees to ensure a highly qualified and engaged workforce with the competencies to perform MSPB’s mission and support functions successfully.

Management Objective M2: Modernize Information Technology (IT) to support agency mission and administrative functions.

Performance Measurement

Verifying and Validating Performance Information

MSPB programs broadly affect Federal merit systems and Federal management, all while generating significant value for Federal agencies and the public. To maintain data quality, MSPB has built in checks for completeness, quality control, and verification and validation of performance data using controlled user access, limitations in field data entry, operating guides, and processes for cross-checking and correcting data throughout and at the end of the FY. In FY 2022, MSPB implemented its data integrity policy. In addition to WPEA data, this policy applies to certifying performance data reported in MSPB's APR-APPs and ARs. MSPB will expand this policy to other adjudication and performance data, as appropriate. Data integrity, the transformation to 100% electronic adjudication, and new core business applications continually underscore the importance of continuous improvement in performance measurement.



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