



U.S. Merit Systems Protection Board

Annual Performance Report for FY 2025

April 3, 2026

Table of Contents

Introduction.....	4
External & Internal Challenges Affecting MSPB Operations.....	4
Summary of FY 2025 Performance Results	5
Strategic Goal and Objectives	5
Appendix A: WPEA Data for FY 2025.....	7
Appendix B: Information Required under 5 U.S.C. § 7701(i)(1) and (2)	14
Performance Measurement.....	15
Verifying and Validating Performance Information.....	15

Foreword

The U.S. Merit Systems Protection Board (MSPB) submits this Annual Performance Report (APR) for fiscal year (FY) 2025, as required by the Government Performance and Results Act Modernization Act of 2010 (GPRAMA). The APR contains information about MSPB, including its scope of responsibilities; 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 APR is based on the [MSPB Strategic Plan for FY 2022-2026](#). It contains performance goals, measures, targets, and results for FY 2025, along with a summary of the external trends and internal management challenges that affect MSPB's work and means and strategies to accomplish the targets. The primary focus for FY 2025 was to process initial appeals, including probationary termination and reduction in force appeals, in an efficient and effective manner. Another major initiative in FY 2025 was to create and publish the MSPB Strategic Plan for FY 2026-2030.

The APR 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 2025, pursuant to 5 U.S.C. § 1206. Past performance and budgetary reports are available on MSPB's website at www.mspb.gov.

MSPB invites customers and stakeholders to send comments on the APR for FY 2025 to:

Leslie Horne
Performance Improvement Officer (PIO)
U.S. Merit Systems Protection Board
1615 M Street, NW
Washington, DC 20419

Phone: 202-653-7200

Fax: 202-653-7130

Email: mspb@mspb.gov (to the attention of the PIO)

Follow us on X (formerly known as Twitter) [@USMSPB](#) and [LinkedIn](#).

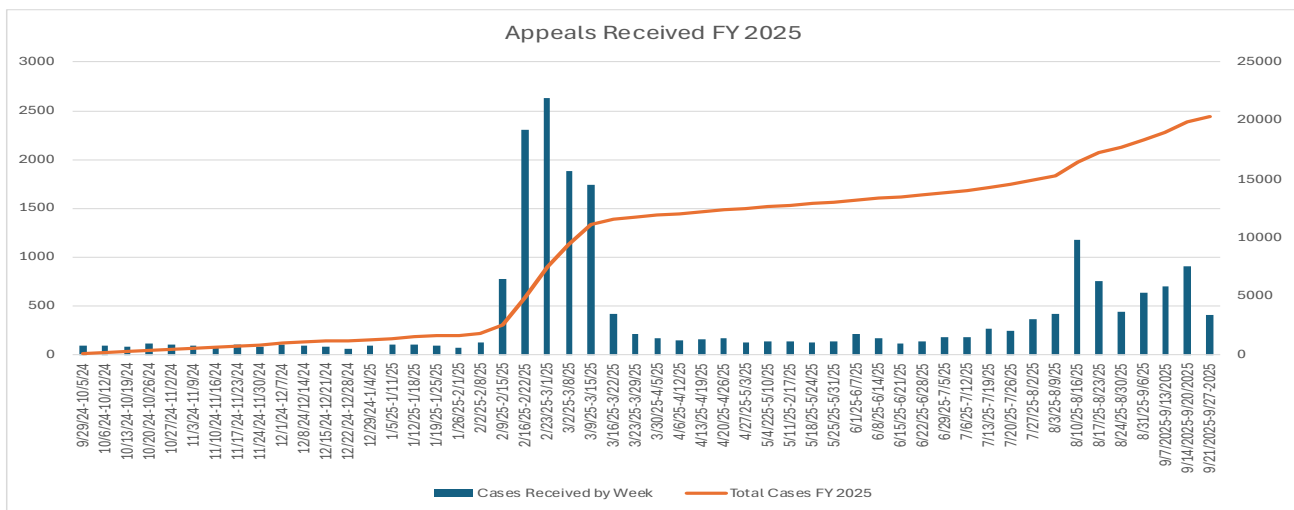
Introduction

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 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 and reduction in force (RIF) appeals. The total number of initial appeals received in FY 2025 was 20,335. This unprecedented influx—four times our annual workload—has placed considerable strain on MSPB’s resources. The chart below shows the initial appeals received in the regional and field offices (RO/FOs) during FY 2025. The appeals include probationary terminations, RIFs, and other types of appeals.



Hiring Freeze

When the federal civilian hiring freeze began in January 2025, MSPB had 183 employees on board and 16 hiring actions were cancelled or revoked due to the hiring freeze. Currently, MSPB has 163 employees with 18% of MSPB employees eligible for retirement through the end of FY 2027. This reduced staffing level required making trade-offs, such as detailing staff to offices with the greatest need, and slowed case processing and research.

Lack of Quorum

Starting April 10, 2025, Acting Chairman Henry J. Kerner was the sole serving Board member; therefore, the Board lacked a quorum of members for about half of the fiscal year. During this time, administrative judges (AJs) issued initial decisions; however, if either party filed a petition for review (PFR) of an AJ’s decision, a Board decision cannot be issued until a quorum of at least two Board members is restored. As of September 30, 2025, there were approximately 1,037 cases pending before the Board at HQ. The Senate confirmed James J. Woodruff II as a Board Member early in FY 2026.

Comprehensive Performance Results

MSPB reports on its performance in accordance with OMB memorandum A-11, part 6. The MSPB Strategic Plan for FY 2022-2026 was developed to ensure compliance with statutory requirements. The following performance goals were identified as part of the FY 2025-2026 Annual Performance Plan. All strategic goals, objectives, and performance goals were updated in the MSPB Strategic Plan for FY 2026-2030.

Summary of FY 2025 Performance Results

We prioritized 4 metrics in the FY 2025 Annual Performance Plan, all of which were Met or Exceeded. An additional 18 metrics were identified in the FY 2022-2026 Strategic Plan, and 8 were Met or Exceeded, and 3 were Measured but Not Rated and 7 were Not Measured and Not Rated. These results should be considered in the context of the substantial increase in new appeals in FY 2025, the lack of quorum for almost half of the fiscal year, and concurrent staffing decreases.

The following information is based on the MSPB APP for FY 2025-2026.

Strategic Goal and Objectives

Strategic Goal 1¹

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

Strategic Objective 1A-RO: Provide understandable, high-quality resolution of initial appeals in the RO/FOs, supported by fair and efficient adjudication and alternative dispute resolution (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 Results: 94% of decisions reviewed met QRT standards.

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 Results: 91% affirmance rate.

Strategic Objective 1C: Conduct objective, timely studies of the federal merit systems and federal human capital management issues.

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 Results: 2 new prototypes, 1 revised product line. (Merit Matters and a Research Recap

¹ For Strategic Goal 1, MSPB has stratified the goal between 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.

infographic series. The *Merit Matters* publication series delivers focused policy analysis on key issues affecting merit system principles and prohibited personnel practices. OPE led the prototype development for a *Research Recap* infographic publication series that distills findings and recommendations on critical topics related to merit principle adherence in federal workplaces.)

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 Results: 8 documents published (2 research briefs, 4 infographics, 1 data set, 1 data documentation); 21 additional documents created and disseminated to stakeholders

Appendix A: WPEA Data for FY 2025

In accordance with the Whistleblower Protection Enhancement Act of 2012 (WPEA), MSPB is providing this information about whistleblower appeals in FY 2025.² This report reflects cases processed from October 1, 2024 through September 30, 2025, and includes data on receipts and outcomes of initial appeals, and receipts of PFRs³ in which violations of 5 U.S.C. § 2302(b)(8) and/or 5 U.S.C.

§ 2302(b)(9)(A)(i), (B), (C), or (D) were alleged.⁴ Adjudicating appeals is an ongoing process, and appeals are often closed in a different year than they were received. Therefore, the figures for cases received (i.e., Figure 1 for initial appeals and Figure 9 for PFRs) and outcomes of cases processed (i.e., Figures 3, 6, and 10) in any given year will not be comparable.

There generally are two types of appeals that can involve claims of reprisal under §§ 2302(b)(8) and (b)(9). An otherwise appealable action (OAA) appeal involves an action that is directly appealable to the Board, such as a removal, demotion, or suspension of more than 14 days. In such an appeal, MSPB will review both the appealable action and the claim of reprisal for engaging in protected activity as an affirmative defense. An individual right of action (IRA) appeal—which may be based on either an action that could have been appealed directly to the Board or on a less severe action that is not directly appealable—is limited to the issue of whether the action was taken because of protected activity. In this kind of case, the individual can appeal the claim of reprisal to the Board only if they first file a complaint with OSC, and OSC does not seek corrective action on the individual’s behalf.⁵

² The WPEA requires MSPB to submit in its annual performance report information on the number and outcome of appeals MSPB received during the reporting period, and decided “irrespective of when filed,” in which violations of 5 U.S.C. § 2302(b)(8) or (b)(9)(A)(i), (B), (C), or (D) were alleged. Pub. L. No. 112-199, § 116(b), 126 Stat. 1465 (2012).

³ The Board lacked a quorum between April 10, 2025, and October 27, 2025, and thus was unable to issue decisions on PFRs during that time. Accordingly, we report on the outcomes of PFR decisions issued in FY 2025 before the lack of a quorum period, as reflected in Figure 10.

⁴ This report generally refers to claims raised under 5 U.S.C. § 2302(b)(9); however, this report does not include claims raised under § 2302(b)(9)(A)(ii), as 5 U.S.C. § 1221(a) allows appellants to seek corrective action from MSPB as a result of prohibited personnel practices described only in § 2302(b)(8) or § 2302(b)(9)(A)(i), (B), (C), or (D). *Sections 2302(b)(8) and (b)(9) prohibit reprisal against an employee or applicant for employment based on different types of protected activity. Section 2302(b)(8) prohibits reprisal because of any disclosure that the employee or applicant reasonably believes evidences certain enumerated categories of wrongdoing. Employees who allege a violation of (b)(8) are typically referred to as alleging “reprisal for whistleblowing.” Section 2302(b)(9)(A)(i) prohibits reprisal because of the exercise of any appeal, complaint, or grievance right with regard to a violation of § 2302(b)(8). Section 2302(b)(9)(B) prohibits reprisal because of testifying for or otherwise assisting any individual in the exercise of any right under § 2302(b)(9)(A)(i) or (ii). Section 2302(b)(9)(C) prohibits reprisal because of cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency or OSC. Section 2302(b)(9)(D) prohibits reprisal for refusing to obey an order that would require the individual to violate a law, rule, or regulation.*

⁵ Complaints in IRA appeals go first to OSC for review, and if warranted, OSC conducts an investigation. According to OSC, it is during this process that agencies often choose to take corrective action or settle an issue informally before OSC files a case with MSPB. MSPB adjudicates IRA appeals that have had the chance to be resolved while at OSC but for which OSC did not seek corrective action.

Figure 1: FY 2025 Appeals Received in Regional/Field Offices with Claims Under 5 U.S.C. §§ 2302(b)(8) and/or 2302(b)(9)

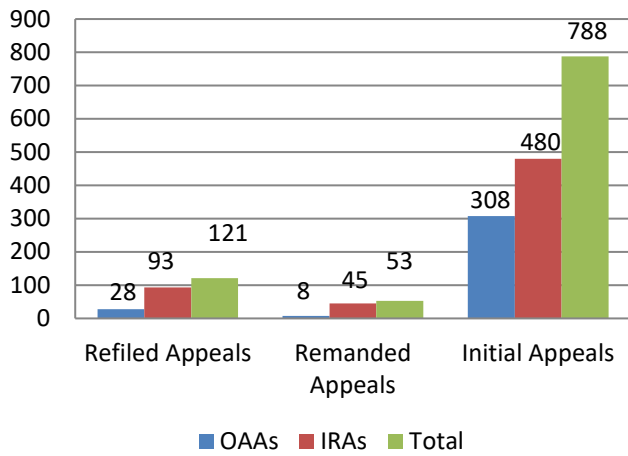


Figure 1 displays data on the number and types of appeals that MSPB received in FY 2025 in which violations of 5 U.S.C. §§ 2302(b)(8) and/or (b)(9) were alleged. Appeals received by RO/FOs fall into three categories: initial appeals, remanded appeals, and refiled appeals. Initial appeals are new appeals filed by an appellant for the first time and thus represent new cases alleging reprisal. Remanded appeals are appeals that were previously adjudicated by a RO/FO but which have been remanded on PFR by the Board at HQ, or by a federal circuit court on appeal of a final Board decision. Refiled appeals are appeals that are refiled—by the appellant or on the AJ’s own motion—because they were previously dismissed without prejudice (DWOP) to refiling. A DWOP is a procedural option that allows for the dismissal and subsequent refiling of an appeal, often to allow the parties more time to prepare for the litigation of their cases. Remanded or refiled appeals are not new cases; they are separately docketed appeals that are related to initial

appeals filed earlier in the same FY or in a prior FY. If the related initial appeal was filed in the same FY, it would be included in the number of initial appeals. Because the RO/FOs must process and issue decisions in remanded and refiled appeals, these appeals are considered part of MSPB’s workload of appeals containing claims under §§ 2302(b)(8) and/or 2302(b)(9).

An appellant can file an appeal alleging a violation of § 2302(b)(8) only, a violation of § 2302(b)(9) only, or a violation of both. Figure 2 depicts the number of appeals, both OAA appeals and IRA appeals, that were decided in FY 2025 in the RO/FOs and whether the appeal contained (a) a claim(s) under § 2302(b)(8) only; (b) a claim(s) under § 2302(b)(9) only; or (c) claims under both § 2302(b)(8) and (b)(9).

Figure 2: Appeals Decided in the Regional and Field Offices That Raised Claims Under §§ 2302(b)(8) and/or 2302(b)(9)

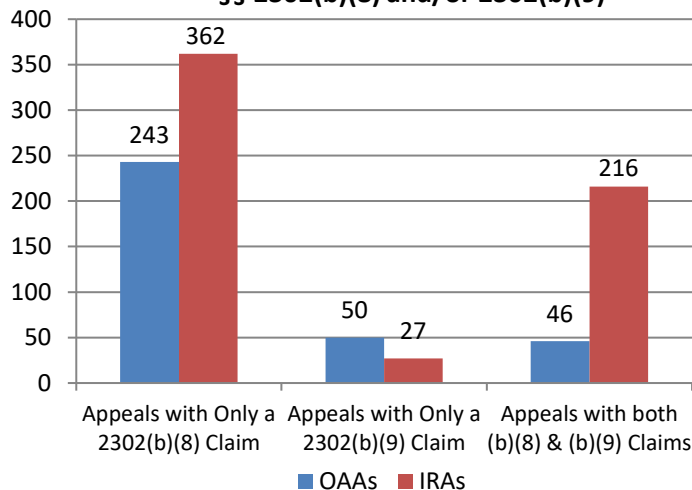


Figure 3 breaks down the totals displayed in Figure 2 for OAA appeals by depicting the outcomes of OAA appeals decided in the RO/FOs in which violations of §§ 2302(b)(8) and/or (b)(9) were alleged. It is important to note that the outcome of an OAA *appeal* is separate from the outcome of a §§ 2302(b)(8) or (b)(9) *claim*.⁶ An OAA appeal can be dismissed for a variety of reasons that have nothing to do with the merits of any reprisal claim raised therein. For example, the appeal may be untimely filed, the action or the appellant might be outside the Board’s appellate jurisdiction, or the appellant might have made a binding election to challenge the action in another forum (such as through negotiated grievance or arbitration procedures). This figure includes appeals that were withdrawn and appeals that were DWOP.⁷ Cases are settled at the discretion of both parties. Settlement agreements consist of terms acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result.

Figure 3: Outcomes in OAA Appeals Decided in Regional/ Field Offices						
Types of Claim(s) Raised	DWOP	Settled	Withdrawn	Dismissed (other than DWOP)	Adjudicated on the Merits	Total
Section 2302(b)(8) Only	28	34	21	122	38	243
Section 2302(b)(9) Only	3	8	3	20	16	50
Both Sections 2302(b)(8) and (b)(9)	5	6	0	16	19	46

In a case in which an appellant raises both §§ 2302(b)(8) and (b)(9) claims, the outcomes of those claims may differ.⁸ Therefore, we are reporting the outcome of both (b)(8) and (b)(9) claims for cases in which both claims were raised and the OAA appeal was adjudicated on the merits, as depicted in Figures 4 and 5 below.

⁶ The WPEA requires MSPB to report outcomes of appeals; however, when possible, MSPB also reports and summarizes the outcomes of claims.

⁷ Note that DWOP cases are listed here for completeness, but they do not reflect the final outcomes of whistleblower issues. DWOP cases can be refiled for final review of these issues.

⁸ For example, an appellant may allege that they were removed in violation of § 2302(b)(8) for disclosing to their supervisor their belief that a practice at the agency endangered public health. In the same appeal, they also may allege that they were removed in violation of § 2302(b)(9) for testifying in a coworker’s MSPB appeal which involved remedying a violation of § 2302(b)(8). In such a case, the appellant may decide to withdraw their § 2302(b)(9) claim but prevail on their § 2302(b)(8) claim. Under that scenario, the outcome of the § 2302(b)(9) claim would be “Withdrawn,” whereas the outcome of the § 2302(b)(8) claim would be “Corrective Action Ordered.”

Figure 4: Outcomes of § 2302(b)(8) Claims in OAA Appeals Adjudicated on the Merits in the Regional and Field Offices

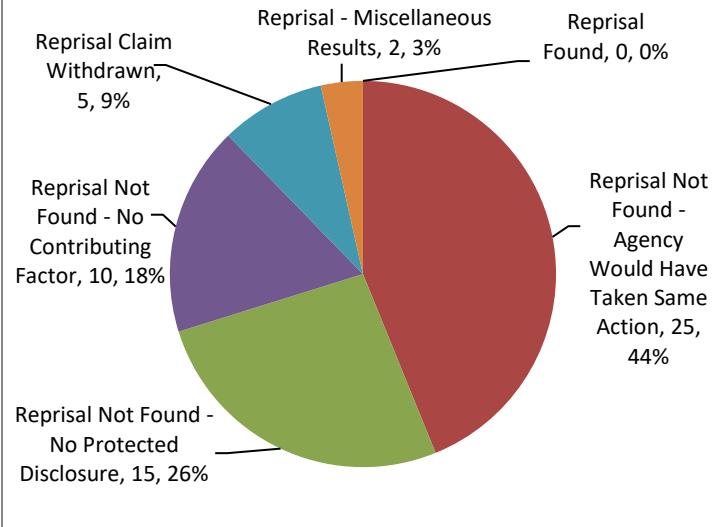


Figure 4 displays the resolution of § 2302(b)(8) claims within the 57 OAA appeals adjudicated on the merits in the RO/FOs.^{9 10} It includes both the 38 OAA appeals adjudicated on the merits with a § 2302(b)(8) claim only and the 19 OAA appeals adjudicated on the merits with both §§ 2302(b)(8) and (b)(9) claims, as referenced in Figure 3.

The fact that corrective action is not ordered in an OAA appeal does not necessarily mean that the appellant obtained no relief. For example, in a removal appeal in which the appellant alleges reprisal, the Board could reverse the removal action because the agency failed to prove that the appellant committed the charged misconduct, or it could mitigate the removal penalty, while also finding that the appellant failed to establish reprisal. In any appeal involving a reprisal claim, the Board shall order

corrective action for the reprisal claim if the appellant has demonstrated that: (1) they made a protected disclosure; (2) the agency has taken or threatened to take a personnel action against them; and (3) their protected disclosure was a contributing factor in the personnel action. However, corrective action shall not be ordered if, after a finding that a protected disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.

Figure 5 depicts the resolution of § 2302(b)(9) claims within the 35 OAA appeals adjudicated on the merits in the RO/FOs. This figure includes the 16 OAA appeals adjudicated on the merits with a § 2302(b)(9) claim only and the 19 OAA appeals adjudicated on the merits with both §§ 2302(b)(8) and (b)(9) claims, as referenced in Figure 3. Figure 4 divides the outcomes of § 2302(b)(8) claims within OAA appeals adjudicated on the merits into subcategories of “Corrective Action Not Ordered” (i.e., no contributing factor, no protected disclosure, and the agency would have taken the same action). However, Figure 5 displays the outcomes of § 2302(b)(9) claims within OAA appeals adjudicated on the merits only in the broader categories of “Corrective Action Ordered,” “Corrective Action Not Ordered,” “Claim Withdrawn,” and “Miscellaneous Results.”¹¹ As explained above with respect to Figure 4, an AJ may fully adjudicate an OAA appeal on the

Figure 5: Outcomes of § 2302(b)(9) Claims in OAA Appeals Adjudicated on the Merits in the Regional and Field Offices				
Corrective Action Ordered	Corrective Action Not Ordered	Claim Withdrawn	Miscellaneous Results	Total
0	34	0	1	35

⁹ Percentages have been rounded up to the next whole number.

¹⁰ Figure 4 also includes a category of “Miscellaneous Results,” which represents OAA appeals that were adjudicated on the merits but wherein the § 2302(b)(8) claims in those cases were not adjudicated on the merits. An AJ may fully adjudicate an OAA appeal on the merits but not adjudicate the reprisal claim for a variety of reasons. For example, an AJ may strike a reprisal claim as a sanction for an appellant’s repeated failure to comply with the AJ’s orders or determine that the Board is precluded from considering the reprisal claim because a security clearance determination is at issue.

¹¹ The “Miscellaneous Results” category represents OAA appeals that were adjudicated on the merits but for which the § 2302(b)(9) claims in

merits but not adjudicate the reprisal claim for a variety of reasons. As previously noted, the outcome of an *appeal* is separate from the outcome of a §§ 2302(b)(8) or (b)(9) *claim*.

Figure 6: Outcomes in IRA Appeals Decided in Regional/Field Offices							
Type of Claim(s)	DWOP	Settled	Withdrawn	Dismissed, Failure to Exhaust	Dismissed, Other Grounds	Adjudicated on the Merits	Total
2302(b)(8) Only	85	73	28	34	80	62	362
2302(b)(9) Only	5	3	2	0	9	8	27
Both 2302(b)(8) & (b)(9)	69	32	6	11	42	56	216

Figure 6 breaks down the totals displayed in Figure 2 for IRA appeals by depicting the outcomes of those cases decided in the RO/FOs in which violations of §§ 2302(b)(8) and/or (b)(9) were alleged. In an IRA appeal, an appellant “shall seek corrective action from OSC before seeking corrective action from the Board.”¹² If an IRA appeal is dismissed for “failure to exhaust” (i.e., because the appellant failed to first seek corrective action from OSC), the appellant can file a new IRA appeal after fulfilling the administrative exhaustion requirement.¹³ Figure 6 also includes IRA appeals that were dismissed without prejudice.¹⁴ In addition, as in OAA appeals, cases can be settled at the discretion of both parties. Settlement agreements consist of terms acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result.

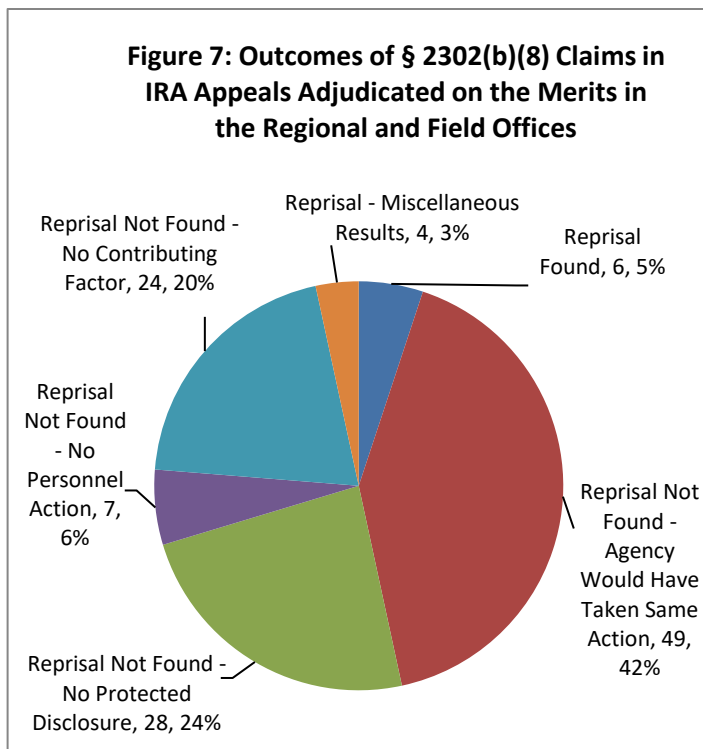


Figure 7 depicts the resolution of § 2302(b)(8) claims within the 118 IRA appeals adjudicated on the merits in the RO/FOs.¹⁵ It includes the outcomes of the 62 IRA appeals adjudicated on the merits with a § 2302(b)(8) claim only and the 56 IRA appeals adjudicated on the merits with both §§ 2302(b)(8) and (b)(9) claims, as referenced in Figure 6. Just as in an OAA appeal, the Board shall order corrective action for the reprisal claim in an IRA appeal if the appellant has demonstrated that: (1) they made a protected disclosure; (2) the agency has taken or threatened to take a personnel action against them; and (3) their protected disclosure was a contributing factor in the personnel action. However, corrective action shall not be ordered if, after a finding that a protected disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.

those cases were not adjudicated on the merits.

¹² 5 U.S.C. § 1214(a)(3).

¹³ In Figure 6, the category of “Dismissed, Other Grounds,” includes IRA appeals in which a violation of only § 2302(b)(9) was alleged and the appeals were dismissed for failure to exhaust.

¹⁴ Note that DWOP cases are listed here for completeness, but they do not reflect the final outcomes of whistleblower issues. DWOP cases can be refiled for final review of these issues.

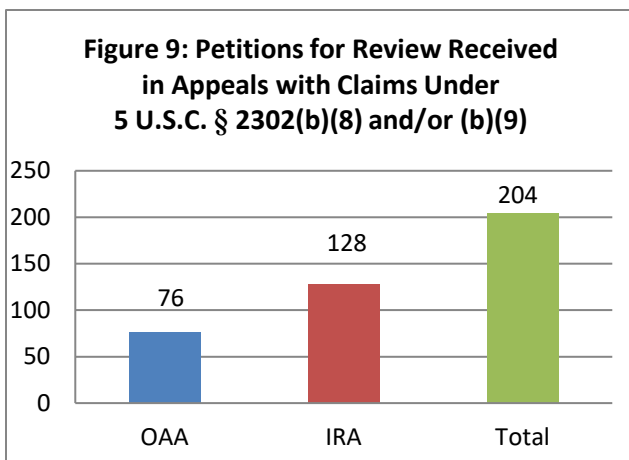
¹⁵ Percentages have been rounded up to the next whole number.

Figure 8: Outcomes of § 2302(b)(9) Claims in IRA Appeals Adjudicated on the Merits in Regional/Field Offices				
Corrective Action Ordered	Corrective Action Not Ordered	Claim Withdrawn	Miscellaneous Results	Total
5	53	0	6	64

Figure 8 depicts the resolution of § 2302(b)(9) claims within the 64 IRA appeals adjudicated on the merits in RO/FOs. This includes the outcomes of the 8 IRA appeal adjudicated on the merits with a § 2302(b)(9) claim only and the 56 IRA appeals adjudicated on the

merits with both §§ 2302(b)(8) and (b)(9) claims, as referenced in Figure 6. While Figure 7 divides the outcomes of § 2302(b)(8) claims within IRA appeals adjudicated on the merits into subcategories of “Corrective Action Not Ordered” (i.e., no contributing factor, no personnel action, no protected disclosure, and the agency would have taken the same action), Figure 8 displays the outcomes of § 2302(b)(9) claims within IRA appeals adjudicated on the merits only in the broader categories of “Corrective Action Ordered,” “Corrective Action Not Ordered,” “Claim Withdrawn,” and “Miscellaneous Results.”

An appellant or an agency dissatisfied with an AJ’s initial decision on an OAA or IRA appeal may file a PFR with the full Board at MSPB headquarters. Figure 9 shows the number of PFRs the Board received (on both OAA and IRA appeals) involving §§ 2302(b)(8) and/or 2302(b)(9) claims.



Pursuant to Board policy, the Clerk of the Board may exercise the delegated authority to grant a withdrawal of a PFR when requested by a petitioner if there is no apparent untimeliness of the petition and if no other party objects to the withdrawal.¹⁶ In FY 2025, the Office of the Clerk of the Board granted 3 requests to withdraw PFRs in cases that involved §§ 2302(b)(8) and/or 2302(b)(9) claims. Those 3 cases are not included in the totals included in Figure 10.

Figure 10 shows the outcomes of PFR cases involving §§ 2302(b)(8) and/or 2302(b)(9) claims. It is important to note that PFR outcomes are the decisions of the

Board relative to the initial decision issued by the AJ, not relative to the initial action taken by the agency. Under 5 C.F.R. § 1201.115, the Board may issue a decision that denies or grants the PFR and affirms, reverses, or vacates, in whole or in part, the initial decision. Whether a PFR is denied or granted may have nothing to do with the reprisal claim. If the Board’s decision is final, it will include a notice of appeal rights to the appellant. Alternatively, the Board may remand the appeal to the AJ for further proceedings, in which case the Board’s decision is not yet final, and no appeal rights are due. The Board vacates an initial decision when it issues a final decision that reaches a different outcome from that reached in the initial decision.

¹⁶ See https://mspb.gov/appeals/files/Policy_Regarding_Withdrawal_of_a_Petition_for_Review_1515773.pdf.

Figure 10: Outcomes of Petitions for Review in Cases with Claims Under 5 U.S.C. §§ 2302(b)(8) and/or (b)(9)								
Settled	Dismissed	Affirmed	Remanded to Regional/Field Office	Reversed	Vacated	Withdrawn	No Majority	Total
1	3	62	29	5	2	0	10	112

During FY 2025, the Board issued decisions on 112 PFRs of appeals that involved §§2302(b)(8) and/or (b)(9) claims. Twenty-nine of these appeals were remanded. In OAA appeals, the scope of the remand may or may not pertain to the reprisal claim. Therefore, when a PFR in an OAA appeal is remanded to the RO/FO, it may present an opportunity for reprisal claims within the case to be re-evaluated. In IRA appeals, the only issue before the Board is whether a personnel action was taken in reprisal for engaging in protected activity. Settlements at the PFR level are voluntary and are reached at the discretion of the parties. The settlement agreements contain terms that are acceptable to both parties, thus the agreement resolves the dispute in a way that both parties achieve some positive result. During FY 2025, the Board issued 10 orders in PFRs with a claim under §§ 2302(b)(8) and/or(b)(9) where there was no majority and, thus, the initial decision became the final decision of the Board. *See* 5 C.F.R. § 1200.3(b).

Appendix B: Information Required under 5 U.S.C. § 7701(i)(1) and (2)

In accordance with 5 U.S.C. § 7701(i)(1) and (2), MSPB provides FY 2025 case processing information. MSPB processed 9,050 total cases in the ROs/FOs. This includes initial appeals as well as compliance cases, Board and court remand cases, and requests for damages, but it does not include ALJ cases. Of the 9,050 initial appeals processed in the RO/FOs, 55.8% were processed in 120 days or less.

Between April 10, 2025, and October 27, 2025, the Board had only one member (Acting Chairman Kerner), and during that time could not issue final decisions on petitions for review and other cases requiring Board vote. The Board's quorum was restored when Member Woodruff was sworn in on October 28, 2025. The Board issued decisions in 509 cases in FY 2025. Additionally, in FY 2025, 11 PFR cases were withdrawn by order of the Clerk of the Board under a policy effected by the Board on June 28, 2022. These cases did not involve a decision issued by the Board so are not included in any case processing statistics.

In general, each case is adjudicated on its merits consistent with law and legal precedent and in a manner consistent with the interest of fairness, which is achieved by assuring due process and the parties' full participation at all stages of the appeal. Under normal circumstances, several factors contribute to the length of time it takes to resolve a particular case. At the initial appeal level, it takes time to issue notices, respond to discovery and other motions, subpoena documents and people, hold conferences with the parties, arrange for and question witnesses, present evidence, conduct hearings, and, often, participate in ADR efforts. When there is good cause to do so, the parties may be granted additional time to preserve due process. Adjudication also may require more time when cases involve new or particularly complex legal issues, numerous factual issues, or the interpretation of new statutory or regulatory provisions. In addition, at the PFR level, when Board members do not agree about the disposition of PFR issues or cases, the need to resolve disagreements or prepare separate opinions may increase the time needed for adjudication. Additional factors that affect processing time are discussed above in the performance results section of this APR.

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.



U.S. Merit Systems Protection Board
1615 M Street, NW
Washington, DC 20419

www.mspb.gov
[@USMSPB](#) on X
[MSPB](#) on LinkedIn