U.S. Merit Systems Protection Board

Information Sheet: Jurisdiction

Updated 9/3/2026

Purpose

The purpose of this information sheet is to provide general guidance and background information. It does not represent an official statement approved by the Board itself and is not intended to provide legal counsel or to be cited as legal authority. Instead, it is intended only to help the public become familiar with the MSPB and its procedures. In all instances, however, the Board's regulations and current case law control with respect to the matters discussed here.

Original Jurisdiction

1. Actions brought by the Special Counsel under 5 U.S.C. §§ 1214, 1215, and 1216;

2. Requests for informal hearings by persons removed from the Senior Executive Service for performance deficiencies;

3. Actions taken against administrative law judges under 5 U.S.C. § 7521.

Appellate Jurisdiction

1. Reduction in grade or removal for unacceptable performance (5 C.F.R. part 432; 5 U.S.C. § 4303(e));

2. Reconsideration decision sustaining a negative determination of competence for a general schedule employee (5 C.F.R. § 531.410; 5 U.S.C. § 5335(c));

3. Removal, reduction in grade or pay, suspension for more than 14 days, or furlough for 30 days or less for cause that will promote the efficiency of the service. (5 C.F.R. part 752, subparts C and D; 5 U.S.C. § 7511-7514);

4. Removal, or suspension for more than 14 days, of a career appointee in the Senior Executive Service (5 C.F.R. Part 752, subparts E and F; 5 U.S.C. §§ 75417543);

5. Determinations affecting the rights or interests of an individual or of the United States under the Civil Service Retirement System or the Federal Employees' Retirement System (5 C.F.R. parts 831, 839, 842, 844, and 846; 5 U.S.C. §§ 8347(d)(1)-(2) and 8461(e)(1); and 5 U.S.C. § 8331 note, Federal Erroneous Retirement Coverage Corrections Act);

7. Furlough of a career appointee in the Senior Executive Service (5 C.F.R. § 359.805);

8. Failure to restore to duty from Uniformed Service or compensable injury (5 C.F.R. Part 353);

9. Employment of another applicant when the person who wishes to appeal to the Board is entitled to priority employment consideration after a reduction-in-force action, or after partial or full recovery from a compensable in jury (5 C.F.R. §§ 302.501, 330.209);

10. Failure to reinstate a former employee after service under the Foreign Assistance Act of 1961 (5 C.F.R. § 352.508);

11. Failure to re-employ a former employee after movement between executive agencies during an emergency (5 C.F.R. § 352.209);

12. Failure to re-employ a former employee after detail or transfer to an international organization (5 C.F.R. § 352.313);

13. Failure to re-employ a former employee after service under the Indian Self-Determination Act (5 C.F.R. § 352.707);

14. Failure to re-employ a former employee after service under the Taiwan Relations act (5 C.F.R. § 352.807);

15. Employment practices administered by the Office of Personnel Management to examine and evaluate the qualifications of applicants for appointment in the competitive service (5 C.F.R. § 300.104);

16. Reduction-in-force actions affecting a career or career candidate appointee in the Foreign Service (22 U.S.C. § 4010a);

17. Appeals under the Uniformed Services Employment and Reemployment Rights Act (codified at 38 U.S.C. §§ 4301-4333);

18. Appeals under the Veterans Employment Opportunities Act (38 U.S.C. § 4324); and

19. Appeals involving an allegation that the action was based on the appellant's "whistleblowing" (5 U.S.C. §§ 2302(b)(8), 1221(a)).