

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
2026 MSPB 8**

Docket No. DA-0752-25-0110-I-1

**Arielle Rivera,
Appellant,
v.
Department of Justice,
Agency.**

September 1, 2026

Arielle Rivera, Moyock, North Carolina, pro se.

Luke Archer, Esquire, Springfield, Virginia, for the agency.

Christopher R. Jaramillo, Esquire, Arlington, Virginia, for the agency.

BEFORE

James J. Woodruff II, Chairman
Henry J. Kerner, Vice Chairman

OPINION AND ORDER

¶1 The appellant has filed a petition for review of the initial decision, which sustained her 30-day suspension for unauthorized use of an official Government vehicle (OGV) and found that she failed to prove her various affirmative defenses, including one of whistleblower reprisal. For the following reasons, we DENY the appellant’s petition for review and AFFIRM the initial decision. We overrule our prior holding in *Scoggins v. Department of the Army*, 123 M.S.P.R. 592, ¶¶ 26-28 (2016), and *Clarke v. Department of Veterans Affairs*,

121 M.S.P.R. 154, ¶ 19 n.10 (2014),¹ *aff'd per curiam*, 623 F. App'x 1016 (Fed. Cir. 2015), that an administrative judge may not make alternative findings on a claim of whistleblower reprisal after finding that an appellant did not prove her *prima facie* case.

BACKGROUND

¶2 The agency suspended the appellant from her Criminal Investigator position for 30 days, based on her unauthorized use of an OGV.² Initial Appeal File (IAF), Tab 10 at 554-55, 576-81. The charge stemmed from a July 30, 2021 incident in which the appellant used her assigned OGV to drive to an airport for personal travel and left the vehicle parked in the airport parking garage until her return on August 3, 2021. *Id.* at 576-78. The appellant filed the instant Board appeal challenging her 30-day suspension. She raised affirmative defenses of harmful procedural error, discrimination based on race and sex, and reprisal for both equal employment opportunity (EEO) and whistleblowing activity. IAF, Tab 1-2, Tab 17, Tab 23 at 1-2.

¶3 After holding the appellant's requested hearing, the administrative judge issued an initial decision sustaining the suspension. IAF, Tab 27, Initial Decision (ID) at 1-2, 20. She determined that the agency proved its charge and that the appellant failed to prove her affirmative defenses. ID at 8-18. The administrative judge also concluded that the agency proved that the appellant's misuse of her OGV bore a nexus to the efficiency of the service and that the penalty was reasonable. ID at 11-12, 19-20.

¹ Although the U.S. Court of Appeals for the Seventh Circuit has disagreed with the Board's decision in *Clarke* on other grounds, that disagreement does not impact our discussion here. *See Delgado v. Merit Systems Protection Board*, 880 F.3d 913, 923-25 (7th Cir.), *as amended on denial of reh'g and reh'g en banc* (7th Cir. 2018).

² The appellant was previously known as "Arielle Crumble," and it appears that her last name changed to "Rivera" during her employment with the agency. Initial Appeal File, Tab 6 at 28, 69. Accordingly, both names are referenced on documents throughout this appeal.

¶4 The appellant has filed a petition for review of the initial decision.³ Petition for Review (PFR) File, Tab 1. The agency has filed a response to the petition, to which the appellant has replied. PFR File, Tabs 3-4.

ANALYSIS

The administrative judge correctly sustained the charge, denied the appellant's affirmative defenses, and found the penalty reasonable.

¶5 On review, the appellant presents arguments that primarily challenge the administrative judge's determinations that the agency proved its charge, that the appellant did not prove her claim of EEO reprisal, and that the 30-day suspension was a reasonable penalty. PFR File, Tab 1 at 5-8. For example, the appellant reasserts that her actions did not constitute willful misuse of her OGV because she was traveling to care for an ill family member and because she self-reported this. *Id.* at 6-8. She also argues that the administrative judge should not have credited the testimony of an agency official who indicated that he did not consider the appellant's prior EEO complaints when alerting his supervisor of the appellant's misuse of her OGV and participating in the investigation that followed. *Id.* at 5. Relatedly, the appellant reasserts that she filed one of her EEO complaints just weeks before her proposed suspension. *Id.* at 6-7.

¶6 While we have considered each of the arguments presented in the appellant's petition, we find each unavailing. The Board will not disturb an administrative judge's findings when, as here, she considered the evidence as a whole, drew appropriate inferences, and made reasoned conclusions on issues of

³ Following her suspension, the agency removed the appellant for medical inability to perform her job duties, and the appellant filed a Board appeal of the same. *Rivera v. Department of Justice*, MSPB Docket No. DA-0752-25-0198-I-1, Initial Appeal File (0198 IAF), Tab 1 at 6-14. The parties entered into a settlement agreement, and the assigned administrative judge dismissed the appeal as settled. 0198 IAF, Tab 19, Tab 20, Initial Decision. The settlement agreement permitted the appellant to continue to pursue the instant appeal, and the disposition of the appellant's removal appeal does not affect our adjudication here. 0198 IAF, Tab 19 at 5.

credibility. *Crosby v. U.S. Postal Service*, 74 M.S.P.R. 98, 106 (1997); *Broughton v. Department of Health and Human Services*, 33 M.S.P.R. 357, 359 (1987).

The administrative judge did not err by making alternative findings on the agency's affirmative defense to the appellant's whistleblower retaliation claim.

The appellant did not prove her prima facie case of whistleblower reprisal.

¶7 On review, the appellant has not challenged the administrative judge's determination that she did not prove that her suspension was due to whistleblower reprisal. We affirm the administrative judge's finding.

¶8 An appellant establishes her prima facie case of whistleblower reprisal when she proves by preponderant evidence that her protected disclosure or activity was a contributing factor in the personnel action at issue. *Carr v. Social Security Administration*, 185 F.3d 1318, 1322 (Fed. Cir. 1999); *Alarid v. Department of the Army*, 122 M.S.P.R. 600, ¶ 13 (2015) (citing 5 U.S.C. § 1221(e)(1)). However, an appellant cannot establish a contributing factor if the allegedly retaliatory personnel action predates the protected disclosure or activity. *Davis v. Department of Defense*, 106 M.S.P.R. 560, ¶ 12 (2007), *aff'd per curiam*, 278 F. App'x 1009 (Fed. Cir. 2008); *see Rumsey v. Department of Justice*, 120 M.S.P.R. 259, ¶ 27 (2013) (concluding that an appellant could not establish that agency actions were motivated by disclosures she made the following year). Because all of the appellant's protected disclosures and activity took place after the suspension proposal and decision, we agree with the administrative judge that the appellant did not prove her prima facie case of whistleblower retaliation and therefore is not entitled to corrective action. ID at 18; IAF, Tab 25-2, Hearing Recording at 2:34:19-2:34:59, 2:38:35-2:39:08 (testimony of the appellant). The parties do not challenge that finding on review, and we discern no basis to disturb it.

The plain language of 5 U.S.C. § 1221(e) does not prohibit the Board from making alternative findings.

¶9 Here, the administrative judge also went on to find that the agency had strong support for the suspension and no motive to retaliate against the appellant. We take this opportunity to overrule past precedent and hold that the Whistleblower Protection Enhancement Act of 2012 (WPEA), Pub. L. No. 112-199, 126 Stat. 1465, does not prevent an administrative judge or the Board from making such alternative findings, as discussed below.

¶10 An appellant who proves her prima facie case of whistleblower reprisal is entitled to corrective action under 5 U.S.C. § 1221(e)(1). However, under 5 U.S.C. § 1221(e)(2), the Board may not order such corrective action “if . . . the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of such disclosure.” Thus, if an appellant proves her prima facie case, the burden of persuasion shifts to the agency to prove by clear and convincing evidence that it would have taken the same action absent the protected disclosure or activity. *Alarid*, 122 M.S.P.R. 600, ¶¶ 13-14 (citing 5 U.S.C. § 1221(e)(2)). In determining whether the agency has met this burden, the Board will consider all the relevant factors, including the following (commonly referred to as the *Carr* factors): (1) the strength of the agency’s evidence in support of its action; (2) the existence and strength of any motive to retaliate on the part of the agency officials involved in the decision; and (3) any evidence that the agency takes similar actions against employees who did not engage in such protected activity, but who are otherwise similarly situated. *Id.* (citing *Carr*, 185 F.3d at 1323). The administrative judge addressed the first two of these factors, stating that the agency presented “abundantly strong evidence” in support of its suspension decision and that there was no evidence of a motive to retaliate by any of the agency officials involved in that decision. ID at 18.

¶11 The parties do not dispute the administrative judge’s conclusions on these two *Carr* factors. We do not review these findings here because we agree

with the administrative judge that the appellant did not prove her prima facie case. However, we also do not vacate these findings. Instead, we hold that an administrative judge who finds that an appellant failed to prove her prima facie case may also decide whether the agency met its clear and convincing evidence burden. We overrule Board cases such as *Scoggins*, 123 M.S.P.R. 592, ¶¶ 26-28, and *Clarke*, 121 M.S.P.R. 154, ¶ 19 n.10, ¶ 21, to the extent that they held otherwise.⁴

¶12 The genesis of the holding at issue in *Scoggins* and *Clarke* arises from the WPEA. The WPEA amended the Whistleblower Protection Act, including 5 U.S.C. § 1221(e)(2). The pre-WPEA language of section 1221(e)(2) did not permit the Board to order corrective action “if the agency demonstrates by clear and convincing evidence that it would have taken the same personnel action in the absence of . . . [the protected] disclosure.” 5 U.S.C. § 1221(e)(2) (1994). The WPEA § 114(b), 126 Stat. at 1472, added a clause. The provision now states that the Board may not order corrective action “if, *after a finding that a protected disclosure [or activity] 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 [or activity].” 5 U.S.C. § 1221(e)(2) (emphasis added).

¶13 In *Clarke*, 121 M.S.P.R. 154, ¶ 19 n.10, the Board interpreted this added clause and its legislative history as prohibiting any determination as to whether the agency met its clear and convincing evidence burden without first finding that an appellant had proven her prima facie case. Consistent with this interpretation, the Board has vacated alternative findings that an agency proved by clear and convincing evidence that it would have taken the same action absent

⁴ Another case that contains this holding, and which we overrule in relevant part, is *Fisher v. Department of the Interior*, 2023 MSPB 11, ¶ 10, *superseded by statute on other grounds*, Follow the Rules Act, Pub. L. No. 115-40, 131 Stat. 861 (2017). And although vacated on other grounds, we also observe that the same incorrect principle is stated in *Reed v. Department of Veterans Affairs*, 122 M.S.P.R. 165, ¶ 21 n.8 (2015) (identifying the applicable language in the WPEA revising section 1221(e)(2) and citing *Clarke*), *vacated and remanded on other grounds per curiam*, 611 F. App’x 719 (Fed. Cir. 2015).

whistleblowing. *Scoggins*, 123 M.S.P.R. 592, ¶ 28; *Clarke*, 121 M.S.P.R. 154, ¶ 21. We disagree with this reading of the amended version of 5 U.S.C. § 1221(e)(2).

¶14 In interpreting a statute, we begin “where all such inquiries must begin: with the language of the statute itself.” *Caraco Pharmaceutical Laboratories, Ltd. v. Novo Nordisk A/S*, 566 U.S. 399, 412 (2012) (quoting *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 241 (1989) (citation omitted)); see *Bostwick v. Department of Agriculture*, 122 M.S.P.R. 269, ¶ 8 (2015) (restating the same principle). If the language provides a clear answer, the inquiry ends, and the plain meaning of the statute is regarded as conclusive absent a clearly expressed legislative intent to the contrary. *Semenov v. Department of Veterans Affairs*, 2023 MSPB 16, ¶ 16.

¶15 After examining 5 U.S.C. § 1221(e)(2), we cannot agree with the restriction imposed by the *Clarke* decision. The clause in question establishes the order in which a whistleblower reprisal claim must be analyzed. Specifically, the Board may only order corrective action “if, after a finding that a protected disclosure [or activity] was a contributing factor,” the Board next determines that an agency failed to meet its clear and convincing evidence burden. Nothing in the plain language of 5 U.S.C. § 1221(e) prevents an administrative judge or the Board from finding that the appellant failed to prove her prima facie case of whistleblower retaliation and also finding, in the alternative, that the agency proved it would have taken the same action regardless of the whistleblowing activity.

The legislative history of the WPEA does not preclude the Board from making alternative findings in these limited circumstances.

¶16 In concluding that the Board may not proceed to the clear and convincing analysis unless it first finds that the appellant proved her prima facie case, the *Clarke* decision cited a Senate report accompanying the bill that was later enacted as the WPEA. *Clarke*, 121 M.S.P.R. 154, ¶ 19 n.10 (citing S. Rep.

No. 112-155, at 24 (2012)).⁵ The report expressed that the purpose of the change in 5 U.S.C. § 1221(e)(2) was to avoid instances in which “[t]he Board . . . allow[ed] an agency to present its affirmative defense that the agency would have taken the same personnel action for lawful reasons . . . without first allowing the employee to present his or her case proving that the whistleblower retaliation occurred.” S. Rep. No. 112-155, at 23. Instead, the report posited that an employee should obtain a hearing on the merits of the claim and have “an opportunity to present his or her evidence” before “the agency may present its defense.” *Id.* at 23-24. The benefits that the report suggested accrue from allowing an appellant to present her case first include: (1) ensuring that the factfinder’s perception of the merits of the case is not skewed by having considered only the agency’s viewpoint and evidence; (2) fully developing the record in the event of an appeal; (3) permitting a putative whistleblower to air legitimate grievances even if they do not ultimately result in a finding in her favor; and (4) ensuring that the Board exercises its oversight of whistleblower reprisal. *Id.*

¶17 The report includes a statement that the problem would be resolved by the WPEA’s changes to 5 U.S.C. § 1221(e)(2) “by requiring that, before the agency may present its defense, the employee must have first had an opportunity to present his or her evidence and must have succeeded showing, by a preponderance of the evidence, that the protected disclosure was a contributing factor in the personnel action.” S. Rep. No. 112-155, at 24. However, the WPEA’s actual amendment to section 1221(e)(2) did not include language that prohibited the Board from reviewing the agency’s evidence unless the appellant prevailed on her *prima facie* case. Rather, section 1221(e)(2) precludes the Board from awarding an appellant corrective action “if, after a finding that a prohibited disclosure [or activity] was a contributing factor, the agency demonstrates by clear and convincing evidence that

⁵ The *Clarke* decision erroneously cites the report as S. Rep. No. 112-743, which does not appear to exist. From the text, it is clear that the Board intended to cite S. Rep. No. 112-155. *Clarke*, 121 M.S.P.R. 154, ¶ 19 n.10.

it would have taken the same personnel action in the absence of such disclosure [or activity].” Thus, as enacted, section 1221(e)(2) addresses a situation in which relief may not be granted to an appellant, including the order in which evidence should be considered. It does not prevent the Board from considering the agency’s evidence as long as it does so *after* it has made a determination regarding the appellant’s prima facie case.

¶18 Furthermore, Federal courts of appeals have found no error upon review of post-WPEA decisions when the Board found that an appellant failed to prove her prima facie case and that the agency proved by clear and convincing evidence that it would have taken the same action absent her disclosure. See *Mikhaylov v. Department of Homeland Security*, 62 F.4th 862, 864, 868-72 (4th Cir. 2023) (denying a Federal employee’s request for review of a Board decision in which an administrative judge denied a whistleblower reprisal claim both because the petitioner did not prove his prima facie case and because, even if he had, the agency showed by clear and convincing evidence that it would have suspended him for 2 days even absent his disclosures); *Nasuti v. Department of State*, 675 F. App’x 975, 976-77, 980-81 (Fed. Cir. 2017) (affirming an administrative judge’s determination that a petitioner failed to prove that his disclosure was a contributing factor in his termination and therefore finding it unnecessary to reach the administrative judge’s alternative finding that the agency proved by clear and convincing evidence that it would have terminated the petitioner absent his disclosure). In doing so, the U.S. Court of Appeals for the Federal Circuit has in some instances affirmed the Board’s decision on the basis that the agency met its burden while declining to review the Board’s alternative rationale that an appellant did not meet hers. *Keys v. Department of Housing and Urban Development*, No. 2021-2072, 2022 WL 703891, at *1, 3-4 (Fed. Cir. Mar. 9, 2022) (affirming the Board’s determination that an agency proved by clear and convincing evidence that it would have reassigned the petitioner absent his disclosure and therefore not reaching the petitioner’s argument that the Board erred

in determining that he did not prove his prima facie case); *Lowenstein v. Department of Veterans Affairs*, 719 F. App'x 1004, 1005-07 (Fed. Cir. 2017) (acknowledging that an administrative judge provided “two independent bases” in his initial decision for denying corrective action, i.e., that the petitioner failed to prove his prima facie case and that the agency proved by clear and convincing evidence it would have taken the same action absent his disclosures, and affirming the initial decision on the latter basis while declining to review the former). We have not found any Federal courts of appeals cases that have endorsed the restrictive view adopted by the Board in *Clarke* and *Scoggins*.

Practical concerns and considerations of judicial economy favor the use of alternative findings.

¶19 Finally, practical concerns and considerations of judicial economy counsel in favor of a more permissive view of the language in 5 U.S.C. § 1221(e)(2). The Federal Circuit has instructed the Board to “avoid . . . inefficiency” by “resolv[ing] all contested issues on the merits after a petitioner in a whistleblowing case has established jurisdiction and is entitled to a hearing on the merits,” including whether the agency proved by clear and convincing evidence it would have taken the same action in the absence of protected whistleblowing, even if the Board finds dispositive that the appellant did not prove her prima facie case. *Kahn v. Department of Justice*, 618 F.3d 1306, 1316 (Fed. Cir. 2010). Although the *Kahn* decision was issued before the enactment of the WPEA, the concern it identified for efficient adjudication remains. *Id.* Indeed, in some instances alternative findings have avoided extended adjudication. Since the enactment of the WPEA, the Federal Circuit and the Board have issued decisions disagreeing with a finding that an appellant did not prove her prima facie case of whistleblower reprisal but nonetheless affirming a denial of corrective action based on an alternative determination that an agency proved its defense. *E.g., Feuer v. National Labor Relations Board*, 786 F. App'x 1014, 1015-20 (Fed. Cir. 2019) (rejecting the Board's determination that a petitioner did

not prove his prima facie case but nonetheless affirming the Board's decision to deny corrective action on the basis of the Board's alternative finding that the agency met its clear and convincing evidence burden); *Pedeleose v. Department of Defense*, 625 F. App'x. 534, 536-39 (Fed. Cir. 2015) (affirming a Board decision disagreeing with an administrative judge's determination that the petitioner did not prove his prima facie case but agreeing with the administrative judge's denial of corrective action on the basis that the agency proved it would have suspended the petitioner absent his disclosures).

ORDER

¶20 For the reasons set forth above, we affirm the initial decision and deny the appellant's petition for review. This is the final decision of the Merit Systems Protection Board in this appeal. Title 5 of the Code of Federal Regulations, section 1201.113 (5 C.F.R. § 1201.113).

NOTICE OF APPEAL RIGHTS⁶

You may obtain review of this final decision. 5 U.S.C. § 7703(a)(1). By statute, the nature of your claims determines the time limit for seeking such review and the appropriate forum with which to file. 5 U.S.C. § 7703(b). Although we offer the following summary of available appeal rights, the Merit Systems Protection Board does not provide legal advice on which option is most appropriate for your situation and the rights described below do not represent a statement of how courts will rule regarding which cases fall within their jurisdiction. If you wish to seek review of this final decision, you should immediately review the law applicable to your claims and carefully follow all filing time limits and requirements. Failure to file within the applicable time limit may result in the dismissal of your case by your chosen forum.

⁶ Since the issuance of the initial decision in this matter, the Board may have updated the notice of review rights included in final decisions. As indicated in the notice, the Board cannot advise which option is most appropriate in any matter.

Please read carefully each of the three main possible choices of review below to decide which one applies to your particular case. If you have questions about whether a particular forum is the appropriate one to review your case, you should contact that forum for more information.

(1) Judicial review in general. As a general rule, an appellant seeking judicial review of a final Board order must file a petition for review with the U.S. Court of Appeals for the Federal Circuit, which must be received by the court within **60 calendar days** of the date of issuance of this decision. 5 U.S.C. § 7703(b)(1)(A).

If you submit a petition for review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

(2) Judicial or EEOC review of cases involving a claim of discrimination. This option applies to you only if you have claimed that you were affected by an action that is appealable to the Board and that such action was based, in whole or in

part, on unlawful discrimination. If so, you may obtain judicial review of this decision—including a disposition of your discrimination claims—by filing a civil action with an appropriate U.S. district court (*not* the U.S. Court of Appeals for the Federal Circuit), within **30 calendar days** after you receive this decision. 5 U.S.C. § 7703(b)(2); *see Perry v. Merit Systems Protection Board*, 582 U.S. 420 (2017). If you have a representative in this case, and your representative receives this decision before you do, then you must file with the district court no later than **30 calendar days** after your representative receives this decision. If the action involves a claim of discrimination based on race, color, religion, sex, national origin, or a disabling condition, you may be entitled to representation by a court-appointed lawyer and to waiver of any requirement of prepayment of fees, costs, or other security. *See* 42 U.S.C. § 2000e-5(f) and 29 U.S.C. § 794a.

Contact information for U.S. district courts can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

Alternatively, you may request review by the Equal Employment Opportunity Commission (EEOC) of your discrimination claims only, excluding all other issues. 5 U.S.C. § 7702(b)(1). You must file any such request with the EEOC's Office of Federal Operations within **30 calendar days** after you receive this decision. 5 U.S.C. § 7702(b)(1). If you have a representative in this case, and your representative receives this decision before you do, then you must file with the EEOC no later than **30 calendar days** after your representative receives this decision.

If you submit a request for review to the EEOC by regular U.S. mail, the address of the EEOC is:

Office of Federal Operations
Equal Employment Opportunity Commission
P.O. Box 77960
Washington, D.C. 20013

If you submit a request for review to the EEOC via commercial delivery or by a method requiring a signature, it must be addressed to:

Office of Federal Operations
Equal Employment Opportunity Commission
131 M Street, N.E.
Suite 5SW12G
Washington, D.C. 20507

(3) Judicial review pursuant to the Whistleblower Protection Enhancement Act of 2012. This option applies to you only if you have raised claims of reprisal for whistleblowing disclosures under 5 U.S.C. § 2302(b)(8) or other protected activities listed in 5 U.S.C. § 2302(b)(9)(A)(i), (B), (C), or (D). If so, and your judicial petition for review “raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D),” then you may file a petition for judicial review either with the U.S. Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.⁷ The court of appeals must receive your petition for review within **60 days** of the date of issuance of this decision. 5 U.S.C. § 7703(b)(1)(B).

⁷ The original statutory provision that provided for judicial review of certain whistleblower claims by any court of appeals of competent jurisdiction expired on December 27, 2017. The All Circuit Review Act, signed into law by the President on July 7, 2018, permanently allows appellants to file petitions for judicial review of MSPB decisions in certain whistleblower reprisal cases with the U.S. Court of Appeals for the Federal Circuit or any other circuit court of appeals of competent jurisdiction. The All Circuit Review Act is retroactive to November 26, 2017. Pub. L. No. 115-195, 132 Stat. 1510.

If you submit a petition for judicial review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

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If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

Contact information for the courts of appeals can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

Gina K. Grippando

Gina K. Grippando
Clerk of the Board
Washington, D.C.