



## Policy Governing Audio and Video Files

Audio and video files cannot be directly uploaded to e-Appeal by parties. Before any such file is added to the case record of an appeal, a party first must seek leave to do so by filing a pleading with the Board. If the Board grants leave to submit audio or video files as evidence, the Board will email the party a link so that the files can be uploaded to the Board's secure Box.com file repository.

### Acceptable Formats

Uploaded audio files must be in MP3 format, and video files must be in MP4 format. Use of these designated formats is required to ensure that the Board can review the submissions. No other formats will be accepted. Unless directed to do so, the files should not be password protected, and the submitting party should verify that the listed digital files have been scanned and found to contain no known viruses.

### Service

Once the Board has uploaded the audio and video files into e-Appeal, the Board will send a notice to all parties who are e-filers. The submitting party must serve a copy of all submitted audio and video files on parties who are not registered e-filers on an electronic media storage device, such as a Compact Disc (CD), Digital Video Disc (DVD), or USB flash drive. If the submitting party is not a registered e-filer, the Board may permit the submitting party to serve a copy of the files on other parties and the Board on an electronic media storage device instead of uploading the files to Box.com.

### Identification of Files

All submitted audio or video files, whether uploaded using Box.com or submitted by traditional methods, must be accompanied by a document identifying the docket number and caption of the appeal, the name of the submitting party, a list of the filenames of the files submitted, and a certificate of service stating how and when service was made (e.g., Box.com, postal mail, or commercial or personal delivery).

### Special Categories:

1. Sensitive Security Information (SSI): Audio or video files containing SSI<sup>1</sup> must be provided in the manner specified by the Board's order.
2. Sensitive Content Policy: Sensitive content must be identified by the submitting party and will be accepted only if it comports with the Board's [Sensitive Content Policy](#).

This policy is issued pursuant to 5 C.F.R. §§ 1201.14(h)(3) and 1201.26(c). For more information regarding e-Appeal, please refer to the "e-Appeal General User Guide" available at the [MSPB e-Appeal Information Hub](#).

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<sup>1</sup> SSI is defined at 49 C.F.R. § 1520.5. SSI generally includes information obtained or developed in the conduct of Transportation Security Administration (TSA) security activities, including research and development, the disclosure of which TSA has determined would:

- (1) Constitute an unwarranted invasion of privacy (including, but not limited to, information contained in any personnel, medical, or similar file);
- (2) Reveal trade secrets or privileged or confidential information obtained from any person; or
- (3) Be detrimental to the security of transportation.

49 C.F.R. § 1520.5(a).