

PART 1 - Appellant and Agency Information

Everyone must complete Part 1.

Please type or print legibly.

1. Name (last, first, middle)

Last Schleifer

First Adam

M. Initial

Please list your first name as it appears in your official personnel records. For example, if your first name is "William" on your official personnel records, please list it that way on the appeal form, not "Bill" or "Willy."

2. Present address (number and street, city, State, and Zip code)

You must promptly notify the Board in writing of any change in your mailing address while your appeal is pending.

Address: (b)(6)

City: (b)(6)

State: (b)(6)

Zip Code: (b)(6)

3. Telephone Numbers (include area code) and E-Mail Address

You must promptly notify the Board in writing of any change in your telephone number(s) or e-mail address while your appeal is pending.

Home: (b)(6)

Work:

Fax:

Cell:

e-Mail Address: (b)(6)@gmail.com

4. Name and address of the agency that took the action or made the decision you are appealing (include bureau or division, street address, city, State and Zip code)

Agency Name: Department of Justice

Bureau: Executive Office for U.S. Attorneys and the Office of the U.S. Attorneys

Address: 312 N. Spring St. Suite 1200

City: Los Angeles

State: California

Zip Code: 90012

Phone Number:

(213) 894-2400

5. Your Federal employment status at the time of the action or decision you are appealing:

- ☒ Permanent ☐ Temporary ☐ Term
☐ Seasonal ☐ Applicant ☐ Retired
☐ None

6. Type of appointment (if applicable):

- ☐ Competitive ☒ Excepted
☐ Postal Service ☐ SES
☐ Other (describe):

7. Your position, title, grade, and duty station at the time of the action or decision you are appealing (if applicable):

Occupational Series or Cluster:

905

Position Title: Assistant U.S. Attorney

Grade or Pay Band:

Duty Station: Los Angeles, California

8. Are you entitled to veteran's preference?

See [5 U.S.C. § 2108](#).

(b)(6) Yes

(b)(6) No

9. Length of Federal service (if applicable):

9

Years

6

Months

10. Were you serving a probationary, trial, or initial service period at the time of the action or decision you are appealing?

☐ Yes

☒ No

11. **HEARING:** You may have a right to a hearing before an administrative judge. If you elect not to have a hearing, the administrative judge will make a decision on the basis of the submissions of the parties. Do you want a hearing?

☒ Yes

☐ No

Appeal Number: 2025A019289

Submission Date: Apr 24 2025 11:10PM

Confirmation Number: 10018093

MSPB Form 185, Page 2 (5/13)
5 C.F.R. Parts 1201, 1208, and 1209

Page 1 of 27

PART 2 - Agency Personnel Action or Decision (non-retirement)

Complete this part if you are appealing a Federal agency personnel action or decision other than a decision directly addressing your retirement rights or benefits. This includes certain actions that might not otherwise be appealable to the Board: individual right of action (IRA) appeals under the Whistleblower Protection Act (WPA); appeals under the Uniformed Services Employment and Reemployment Rights Act (USERRA); or appeals under the Veterans Employment Opportunities Act (VEOA). An explanation of these three types of appeals is provided in **Appendix A**.

12. Check the box that best describes the agency **personnel action or decision** you are appealing. (If you are appealing more than one action or decision, check each box that applies.)

☐ VA SES Removal from civil service

☐ VA SES Transfer to general schedule

☐ Removal (termination after completion of probationary or initial service period)

☐ Involuntary resignation

☐ Termination during probationary or initial service period

☐ Involuntary retirement

☐ Reduction in grade, pay, or band

☐ Denial of within-grade increase

☐ Suspension for more than 14 days

☐ Furlough of 30 days or less

☐ Failure to restore/reemploy/reinstate or improper restoration/reemployment/reinstatement

☐ Separation, demotion or furlough for more than 30 days by reduction in force (RIF)

☐ Negative suitability determination

☐ Other action (describe):

13. Date you received the agency's final decision letter (if any) (MM/DD/YYYY):

14. Effective date (if any) of the agency action or decision (MM/DD/YYYY):

15. Prior to filing this appeal, did you and the agency mutually agree in writing to try to resolve the matter through an alternative dispute resolution (ADR) process?

☐ Yes (**attach a copy of the agreement**)

☐ No

16. Explain briefly why you think the agency was wrong in taking this action, including whether you believe the agency engaged in harmful procedural error, committed a prohibited personnel practice, or engaged in one of the other claims listed in **Appendix A**. **Attach the agency's proposal letter, decision letter, and SF-50, if available.** Attach additional sheets if necessary (bearing in mind that there will be later opportunities to supplement your filings).

PART 2 - Agency Personnel Action or Decision (non-retirement) (continued)

17. With respect to the agency personnel action or decision you are appealing, have you, or has anyone on your behalf, filed a grievance under a negotiated grievance procedure provided by a collective bargaining agreement?

☐ Yes ☐ No

If "Yes," **attach a copy of the grievance**, enter the date it was filed, and enter the place where it was filed if different from your answer to question 4 in Part 1.

Agency Name: NOT APPLICABLE Date Filed (MM/DD/YYYY): NOT APPLICABLE

Bureau: NOT APPLICABLE

Address: NOT APPLICABLE

City: NOT APPLICABLE State: NOT APPLICABLE Zip Code: NOT APPLICABLE

If a decision on the grievance has been issued, **attach a copy of the decision** and enter the date it was issued (MM/DD/YYYY):

Date Issued (MM/DD/YYYY): NOT APPLICABLE

Answer Question 18 ONLY if you are filing an IRA appeal.

18. If you filed a whistleblowing complaint with the Office of Special Counsel (OSC), provide the date on which you did so and the date on which OSC made a decision or terminated its investigation, if applicable. **Attach copies of your complaint and OSC's termination of investigation letter**, notifying you of your right to seek corrective action from the Board.

Date Filed (MM/DD/YYYY): NOT APPLICABLE

Date of OSC decision or termination of investigation (MM/DD/YYYY): NOT APPLICABLE

Answer Question 19 ONLY if you are filing a USERRA or VEOA appeal.

19. If you filed a complaint with the Department of Labor (DOL), list the date on which you did so, and **attach a copy of your complaint**. If DOL has made a decision on your complaint, list the date of this decision, and **attach a copy of it**. If DOL has not made a decision on your complaint within 60 days from the date you filed it, state whether you have notified DOL of your intent to file an appeal with the Board, and **attach a copy of such notification**.

Date Filed (MM/DD/YYYY): NOT APPLICABLE

Has DOL made a decision on your complaint?

☐ Yes ☐ No

If "Yes," enter the date it was made. If "No", state whether you have notified DOL of your intent to file an appeal with the Board, and **attach a copy of such notification**.

Date of DOL decision (MM/DD/YYYY): NOT APPLICABLE

☐ Notified DOL of your intent to file an appeal with the Board?

PART 4 — Designation of Representative

26. Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)

☒ Yes (Complete the information below and sign) ☐ No

DESIGNATION:

"I hereby designate Jonathan Kravis to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf. In addition, I specifically delegate to my representative the authority to settle this appeal on my behalf. I understand that any limitation on this settlement authority must be filed in writing with the Board."

Representative's address (number and street, city, State and Zip code)

Address: 601 Massachusetts Ave. NW
City: Washington
State: District of Columbia Zip Code: 20001

Representative's telephone numbers (include area code) and e-mail address

Office: (202) 220-1130
Fax: Other: (202) 302-0461
e-Mail Address: jonathan.kravis@mto.com

SIGN BELOW TO MAKE YOUR DESIGNATION OF REPRESENTATIVE EFFECTIVE

Appellant's Signature

Date (MM/DD/YYYY)

PART 5 - Certification

27. I certify that all of the statements made in this form and any attachments are true, complete, and correct to the best of my knowledge and belief.

Jonathan Kravis

04/24/2025

Signature of Appellant or Representative

Date (MM/DD/YYYY)

Privacy Act Statement

This form requests personal information that is relevant and necessary to reach a decision in your appeal. The Merit Systems Protection Board collects this information in order to process appeals under its statutory and regulatory authority. Because your appeal is a voluntary action, you are not required to provide any personal information to the Merit Systems Protection Board in connection with your appeal. Conceivably, failure to provide all information essential to reaching a decision in your case could result in the dismissal or denial of your appeal.

Decisions of the Merit Systems Protection Board are available to the public under the provisions of the Freedom of Information Act and are posted to the Merit Systems Protection Board's public website. Some information about the appeal also is used in depersonalized form for statistical purposes. Finally, information from your appeal file may be disclosed as required by law under the provisions of the Freedom of Information Act and the Privacy Act.

See 5 U.S.C. §§ 552, 552a.

Public Reporting Burden

The public reporting burden for this collection of information is estimated to vary from 20 minutes to 4 hours, with an average of 60 minutes per response, including time for reviewing the form, searching existing data sources, gathering the data necessary, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, N.W., Washington, DC 20419 or by e-mail to mspb@mspb.gov.

U.S. Merit Systems Protection Board

Appeal Attachment List

Appeal Number: 2025A019289
Appellant Name: Adam Schleifer
MSPB Office of Filing: Department of Justice

Attachments Included with e-filed Appeal	
Name of Attachment	File Name
Uploaded Appeal	Schleifer_MSPB Form 185 and Appendix A.pdf
Designation of Representative Form	Schleifer_Designation of Representative.pdf

Attachments To Be Sent Separately by Hard Copy Submission	
Name of Attachment	Submission Method

All hard copy attachments should be submitted with the transmittal sheet below so they can be properly affiliated with the appeal by MSPB.



MERIT SYSTEMS PROTECTION BOARD APPEAL FORM (MSPB FORM 185)

INSTRUCTIONS FOR COMPLETING YOUR APPEAL

MSPB's Authority to Review Employment Related Actions or Decisions

The legal authority (jurisdiction) of the U.S. Merit Systems Protection Board (MSPB or the Board) to review employment-related actions or decisions is limited to those matters specifically entrusted to it by law, rule, or regulation. A listing of matters over which MSPB has jurisdiction can be found in MSPB's regulations at [5 C.F.R. § 1201.3](#). The administrative judge assigned to your case will determine whether MSPB has jurisdiction over the particular circumstances of your appeal.

More information about the adjudication of appeals before MSPB, including its regulations, may be found at MSPB's website: www.mspb.gov. MSPB's regulations are also published in the Code of Federal Regulations, [5 C.F.R. part 1200](#) et seq., available in many libraries.

Time Limits for Filing an Appeal

Please review MSPB's regulations and other relevant authority for the time limits applicable to the type of appeal you are filing. Generally, you must file your appeal within 30 calendar days of the effective date, if any, of the action or decision you are appealing, or the date you received the agency's decision, whichever is later. (Please note that Individual Right of Action (IRA), Uniformed Services Employment and Reemployment Rights Act (USERRA), and Veterans Employment Opportunities Act (VEOA) appeals **have different time limits**, as described in Appendix A.) In limited circumstances, the 30-day filing time limit may be extended if you and the agency mutually agree in writing to try to resolve your dispute through an alternative dispute resolution process before you file an appeal. See [5 C.F.R. § 1201.22\(b\)-\(c\)](#). The 30-day time limit may also be extended if you have previously filed a formal equal employment opportunity (EEO) complaint regarding the same matter, as described in Appendix A. The date of filing is the date your appeal is postmarked, the date of the facsimile (fax) transmission, the date it is delivered to a commercial overnight delivery service, the date of receipt in the regional or field office if you personally deliver it, or the date of submission if you file your appeal electronically. Do not delay filing your appeal merely because you do not currently have the documents requested in this form.

Attachments

Please submit only the attachments requested in this form when filing your appeal. The filing of an appeal is just the beginning of the adjudication process, and you will have additional opportunities to submit evidence and argument before a decision is issued. Further, the agency will submit all the documents contained in its record of the action. [5 C.F.R. § 1201.25\(c\)](#).

Where to File an Appeal

You must file your appeal of the agency's action or decision with MSPB's regional or field office responsible for your actual or potential duty station. If you are appealing a retirement or suitability decision by the Office of Personnel Management, you must file your appeal with MSPB's regional or field office responsible for where you live. See [5 C.F.R. § 1201.4\(d\)](#) and [1201.22\(a\)](#). For a list of regional and field offices, and the geographic areas for which they are responsible, see Appendix B.

Please visit MSPB's e-Appeal system — e-appeal.mspb.gov — to file your appeal electronically. E-Appeal enables you to file pleadings electronically and provides electronic access to all case related documents filed by the agency and issued by MSPB.

Privacy Act Statement

AUTHORITY: MSPB may hear appeals of Federal agency actions only when it has been authorized to do so by law, rule, or regulation. [5 U.S.C. § 7701\(a\)](#); [5 U.S.C. § 1204](#).

PRINCIPAL PURPOSE(S): This information is being collected for the primary purposes of adjudicating the appeals and matters described above, rendering MSPB decisions in these matters, and enabling case parties to have access to MSPB's electronic filing system. Additionally, some information about the appeal or case is used in depersonalized form for statistical purposes.

ROUTINE USE(S): The information on this form may be shared outside of MSPB as generally permitted under [5 U.S.C. § 552a\(b\)](#) of the Privacy Act of 1974, as amended. This includes sharing the information as necessary and authorized by routine uses published in MSPB/GOVT – 1 Appeals and Case Records, 77 Fed. Reg. 65206 (Oct. 25, 2012), and upon written request, by agreement, or as required by law. MSPB decisions are available to the public under the provisions of the Freedom of Information Act (FOIA), [5 U.S.C. § 552](#), and are posted to MSPB's public website. Other documents from individual appeal and case files may also be made available as required by FOIA.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the proper docketing of a matter and/or, the adjudication of a matter, which could result in the dismissal or delay of your appeal or matter, and/or prevent access to MSPB's e-Appeal system.

Paperwork Burden Disclosure Notice

Public reporting burden for this data collection is estimated to vary from 60 and 120 minutes, with an average of 90 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid Office of Management and Budget (OMB) control number is displayed on this form. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW, Washington, DC 20419; by fax to 202-653-7130; or by email to mspb@mspb.gov.

PART 1 - Appellant and Agency Information**Everyone must complete Part 1.***Please type or print legibly.***1. Name (last, first, middle initial)**Last First M. Initial

Please list your first name as it appears in your official personnel records. For example, if your first name is "William" on your official personnel records, please list it that way on the appeal form, not "Bill" or "Willy."

2. Present address (number and street, city, state, and ZIP code)**You must promptly notify the Board in writing of any change in your mailing address while your appeal is pending.**Address: City: State: ZIP Code: **3. Telephone numbers (include area code) and email address****You must promptly notify the Board in writing of any change in your telephone number(s) or email address while your appeal is pending.**Cell: Home: Work: Fax: Email Address: **4. Name and address of the agency that took the action or made the decision you are appealing (include bureau or division, street address, city, state and ZIP code)**Agency Name: Bureau: Address:

Phone Number:

City: State: ZIP Code: **5. Your Federal employment status at the time of the action or decision you are appealing:**

- ☒ Permanent
 ☐ Temporary
 ☐ Term
☐ Seasonal
 ☐ Applicant
 ☐ Retired
☐ None

6. Type of appointment (if applicable):

- ☐ Competitive
 ☒ Excepted
☐ Postal Service
 ☐ SES
☐ Other (describe):

7. Your position, title, grade, and duty station at the time of the action or decision you are appealing (if applicable):

Occupational Series or Cluster:

Position Title:

Grade or Pay Band:

Duty Station: **8. Are you entitled to veteran's preference?**See 5 U.S.C. § 2108. Yes No**9. Length of Federal service (if applicable):** Years Months**10. Were you serving a probationary, trial, or initial service period at the time of the action or decision you are appealing?** Yes No**11. HEARING:** You may have a right to a hearing before an administrative judge. If you elect not to have a hearing, the administrative judge will make a decision on the basis of the submissions of the parties. Do you want a hearing?☒ Yes ☐ No

PART 2 - Agency Personnel Action or Decision (non-retirement)

Complete this part if you are appealing a Federal agency personnel action or decision other than a decision directly addressing your retirement rights or benefits. This includes certain actions that might not otherwise be appealable to the Board: individual right of action (IRA) appeals under the Whistleblower Protection Act (WPA); appeals under the Uniformed Services Employment and Reemployment Rights Act (USERRA); or appeals under the Veterans Employment Opportunities Act (VEOA). An explanation of these three types of appeals is provided in **Appendix A**.

12. Check the box that best describes the agency **personnel action or decision** you are appealing. (If you are appealing more than one action or decision, check each box that applies.)

☒ Removal (termination after completion of probationary or initial service period)

☐ Termination during probationary or initial service period

☐ Reduction in grade, pay, or band

☐ Suspension for more than 14 days

☐ Failure to restore/reemploy/reinstate or improper restoration/reemployment/reinstatement

☐ Negative suitability determination

☐ Involuntary resignation

☐ Involuntary retirement

☐ Denial of within-grade increase

☐ Furlough of 30 days or less

☐ Separation, demotion or furlough for more than 30 days by reduction in force (RIF)

☐ Other action (describe):

13. Date you received the agency's final decision letter (if any) (MM/DD/YYYY):

03/28/2025

14. Effective date (if any) of the agency action or decision (MM/DD/YYYY):

03/28/2025

15. Prior to filing this appeal, did you and the agency mutually agree in writing to try to resolve the matter through an alternative dispute resolution (ADR) process?

☐ Yes (*attach a copy of the agreement*)

☒ No

16. Explain briefly why you think the agency was wrong in taking this action, including whether you believe the agency engaged in harmful procedural error, committed a prohibited personnel practice, or engaged in one of the other claims listed in **Appendix A**. **Attach the agency's proposal letter, decision letter, and SF-50, if available.** Attach additional sheets if necessary (bearing in mind that there will be later opportunities to supplement your filings).

On March 28, 2025, Saurabh Sharma, Special Assistant to the President, Office of Presidential Personnel, purported to terminate Assistant United States Attorney ("AUSA") Adam P. Schleifer's employment, and constructively removed him from the federal service, without cause and without notice and an opportunity to be heard, in violation of Mr. Schleifer's rights under the civil-service statutes and the First and Fifth Amendments to the United States Constitution.

Mr. Schleifer seeks all relief including, without limitation, reinstatement, correction of records, nonpecuniary compensatory damages, pecuniary damages, back pay and other benefits, front pay, other equitable relief, severance pay, interest, attorneys' fees and costs, and any other relief available under the law. He reserves the right to revise and supplement the types of relief sought as additional information becomes available.

(See attached response for further detail).

PART 2 - Agency Personnel Action or Decision (non-retirement, continued)

17. With respect to the agency personnel action or decision you are appealing, have you, or has anyone on your behalf, filed a grievance under a negotiated grievance procedure provided by a collective bargaining agreement?

☐ Yes ☒ No

If "Yes," **attach a copy of the grievance**, enter the date it was filed, and enter the place where it was filed if different from your answer to question 4 in Part 1.

Agency Name: Date Filed (MM/DD/YYYY):

Bureau:

Address:

City: State: ZIP Code:

If a decision on the grievance has been issued, **attach a copy of the decision** and enter the date it was issued.

Date Issued (MM/DD/YYYY):

Answer Question 18 ONLY if you are filing an IRA appeal.

18. If you filed a whistleblowing complaint with the Office of Special Counsel (OSC), provide the date on which you did so and the date on which OSC made a decision or terminated its investigation, if applicable. **Attach copies of your complaint and OSC's termination of investigation letter** notifying you of your right to seek corrective action from the Board.

Date Filed (MM/DD/YYYY):

Date of OSC decision or termination of investigation (MM/DD/YYYY):

Answer Question 19 ONLY if you are filing a USERRA or VEOA appeal.

19. If you filed a complaint with the Department of Labor (DOL), list the date on which you did so, and **attach a copy of your complaint**. If DOL has made a decision on your complaint, list the date of this decision, and **attach a copy of it**. If DOL has not made a decision on your complaint within 60 days from the date you filed it, state whether you have notified DOL of your intent to file an appeal with the Board, and **attach a copy of such notification**.

Date Filed (MM/DD/YYYY):

Has DOL made a decision on your complaint?

☐ Yes ☐ No

If "Yes," enter the date it was made. If "No," state whether you have notified DOL of your intent to file an appeal with the Board, and **attach a copy of such notification**.

Date of DOL decision (MM/DD/YYYY):

☐ Notified DOL of your intent to file an appeal with the Board?

PART 3 - OPM or Agency Retirement Decision

Complete this part if you are appealing a decision of the Office of Personnel Management (OPM) or other Federal agency directly addressing your retirement rights or benefits.

20. In which retirement system are you enrolled?

☐ CSRS ☐ CSRS Offset ☐ FERS

☐ Other, *describe*:

21. Are you a:

☐ Current Employee ☐ Annuitant

☐ Surviving Spouse

☐ Other, *describe*:

22. If retired, date of retirement, or if unknown, approximate date:

Date Retired (MM/DD/YYYY):

23. Describe the retirement decision you are appealing.

24. Have you received a final or reconsideration decision from OPM or another Federal agency?

☐ Yes (***attach a copy***) ☐ No

If "Yes," on what date did you receive the decision?

Date Received (MM/DD/YYYY):

Provide the OPM claim number (CSA or CSF) in your appeal:

OPM Claim Number:

25. Explain briefly why you think OPM or another Federal agency was wrong in making this decision.

PART 4 - Designation of Representative

26. Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)

☒ Yes (*complete the information below and sign*)

☐ No

DESIGNATION:

"I hereby designate Jonathan I. Kravis to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf. In addition, I specifically delegate to my representative the authority to settle this appeal on my behalf. **I understand that any limitation on this settlement authority must be filed in writing with the Board.**"

Representative's address (*number and street, city, state and ZIP code*)

Address:

Munger, Tolles & Olson LLP
601 Massachusetts Avenue NW
Suite 500 E

City: Washington

State: DC

ZIP Code: 20001

Representative's telephone numbers (*include area code*) and email address

Office: (202) 220-1130

Fax: (202) 220-1100

Other:

Email Address: Jonathan.Kravis@mta.com

SIGN BELOW TO MAKE YOUR DESIGNATION OF REPRESENTATIVE EFFECTIVE

Adam Schleifer

Appellant's Signature

04/23/2025

Date (MM/DD/YYYY)

PART 5 - Certification

27. I certify that all of the statements made in this form and any attachments are true, complete, and correct to the best of my knowledge and belief.

Adam Schleifer

Signature of Appellant or Representative

04/23/2025

Date (MM/DD/YYYY)

APPENDIX A

Additional Claims Regularly Raised in MSPB Appeals

Harmful Error: Error by the agency in the application of its procedures that is likely to have caused the agency to reach a conclusion different from the one it would have reached in the absence or cure of the error. The burden is upon the appellant to show that the error was harmful, i.e., that it caused substantial harm or prejudice to his or her rights. [5 C.F.R. § 1201.4\(r\)](#).

Prohibited Personnel Practice: A claim that the agency action or decision you are challenging was the result of one of the personnel practices prohibited by [5 U.S.C. § 2302\(b\)](#). Among the prohibited personnel practices most likely to be relevant as an affirmative defense in an MSPB proceeding are: unlawful discrimination under subsection (b)(1); retaliation for protected whistleblowing under subsection (b)(8); and retaliation for other protected activity under subsection (b)(9).

- **Unlawful Discrimination:** A claim that the agency action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, marital status, political affiliation, genetic information, and retaliation for prior equal employment opportunity (EEO) activity. See [5 U.S.C. §§ 2302\(b\)\(1\), 7702](#); [5 C.F.R. part 1201](#), subpart E; [29 C.F.R. part 1630](#) and [Appendix to Part 1630](#); [42 U.S.C. § 2000ff](#) et seq.; [29 C.F.R. § 1614.302-.308](#). If you filed a formal discrimination complaint, give the date on which you did so, state whether and when the agency issued a final decision on your discrimination complaint, and provide copies of both.
- **Retaliation for whistleblowing activity under [5 U.S.C. § 2302\(b\)\(8\)](#) and [\(b\)\(9\)\(A\)\(i\), \(B\), \(C\), or \(D\)](#):** A claim that the agency action was taken in retaliation for the disclosure of information the individual reasonably believes demonstrates a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or substantial and specific danger to public health or safety; or in retaliation for the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation with regard to remedying a violation of subsection (b)(8); for testifying or otherwise lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; for cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or for refusing to obey an order that would require a violation of law, rule, or regulation. See [5 U.S.C. § 2302\(b\)\(8\), \(b\)\(9\)\(A\)\(i\), \(B\), \(C\), and \(D\)](#).
- **Retaliation for other protected activity under [5 U.S.C. § 2302\(b\)\(9\)\(A\)\(ii\)](#):** A claim that the agency action was taken in retaliation for the exercise of any appeal, complaint, or grievance right, other than with regard to remedying a violation of [5 U.S.C. § 2302\(b\)\(8\)](#).

Violation of Rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA): A claim that the agency action violated rights and benefits under 38 U.S.C. chapter 43 by denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership, application for membership, performance of service, application for service, or obligation to perform service in a uniformed service. See [5 C.F.R. part 1208](#), subpart B.

Violation of a Law or Regulation relating to Veterans' Preference pursuant to the Veterans Employment Opportunities Act (VEOA): A claim that the agency action violated rights related to veterans' preference under any statute or regulation. See [5 C.F.R. part 1208](#), subpart C; [5 U.S.C. § 3330\(a\)](#).

Not in accordance with law: A claim that the agency's action was unlawful in its entirety, that is, there is no legal authority for the action.

IRA, USERRA, and VEOA Appeals

The law provides for three types of appeals in certain situations that might not otherwise be appealable to MSPB ([5 C.F.R. § 1201.3\(a\)](#) provides a listing of matters directly appealable to MSPB, i.e., “otherwise appealable actions”): Individual Right of Action (IRA) appeals under the Whistleblower Protection Act (WPA) and Whistleblower Protection Enhancement Act (WPEA) pursuant to [5 U.S.C. § 1221](#); appeals under USERRA pursuant to [38 U.S.C. § 4324](#); and appeals under VEOA pursuant to [5 U.S.C. § 3330a](#).

Note: As described above, allegations of retaliation for whistleblowing, as well as allegations under USERRA and VEOA, may be brought as additional claims in cases that are otherwise appealable to MSPB.

IRA Appeals under the WPA and WPEA. Subsection (b)(8) of [5 U.S.C. § 2302](#) makes it a prohibited personnel practice to threaten, propose, take, or not take a personnel action listed in [5 U.S.C. § 2302\(a\)\(2\)](#) because of an individual's disclosure of information that he or she reasonably believes shows a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or substantial and specific danger to public health or safety. Subsections (b)(9)(A)(i), (B), (C), and (D) make it a prohibited personnel practice to threaten, propose, take, or not take a personnel action in retaliation for the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation with regard to remedying a violation of subsection (b)(8); for testifying or otherwise lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; for cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or the Special Counsel, in accordance with applicable provisions of law; or for refusing to obey an order that would require a violation of law, rule, or regulation. If the personnel action allegedly taken in reprisal for making a protected disclosure or engaging in protected activity is not otherwise appealable to MSPB, you must first file a whistleblower complaint with the Office of Special Counsel (OSC) and exhaust the procedures of that office, see [5 U.S.C. § 1214\(a\)\(3\)](#), before you may file an IRA appeal with MSPB under [5 U.S.C. § 1221](#).

USERRA Appeals. In USERRA appeals, appellants allege that agencies have violated their rights and benefits under [38 U.S.C. chapter 43](#) by denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of their membership, application for membership, performance of service, application for service, or obligation to perform service in a uniformed service. See [5 C.F.R. part 1208, subpart B](#). To pursue redress for a USERRA violation, you may either file a USERRA complaint with the Department of Labor (DOL) or file an appeal with MSPB. However, if you first file a USERRA complaint with DOL, you must exhaust DOL procedures before you may file an appeal with MSPB. See [5 C.F.R. § 1208.11](#).

VEOA Appeals. A VEOA appeal is one in which a preference eligible (defined in [5 U.S.C. § 2108](#)) or veteran described in [5 U.S.C. § 3304\(f\)\(1\)](#) alleges that a Federal agency violated their rights under any statute or regulation relating to veterans' preference. See [5 C.F.R. part 1208, subpart C](#). Unless you are making a VEOA claim in an otherwise appealable action, you must file a VEOA complaint with DOL and allow DOL at least 60 days to try to resolve the matter before filing an appeal with MSPB.

**Time Limits for Filing IRA, USERRA, and VEOA Appeals, and
Following the Filing of a Formal EEO Complaint**

IRA Appeals. If you are filing an IRA appeal, you must file no later than 65 days after the date of the OSC notice advising you that the Special Counsel will not seek corrective action, or within 60 days after the date you received the OSC notice, whichever is later. See [5 C.F.R. § 1209.5](#).

USERRA Appeals. If you are filing a USERRA appeal, there is no time limit for filing. See [5 C.F.R. § 1208.12](#). If you file a USERRA complaint with DOL first, you must exhaust the procedures of DOL before you may file an appeal with MSPB.

VEOA Appeals. If you are filing a VEOA appeal, you must file it within 15 days after the date you received notice that DOL was unable to resolve the matter. See [5 C.F.R. § 1208.22](#). Note: Before filing with MSPB, you must file a VEOA complaint with DOL, which is allowed at least 60 days to try to resolve the matter.

Formal EEO Complaints. If you have previously filed a formal EEO complaint regarding the same matter, you must file your MSPB appeal within 30 days after receiving the agency's resolution or final decision as to that complaint, or you may file at any time after 120 days have elapsed from the filing of the complaint in the absence of such an agency resolution or decision. See [5 C.F.R. § 1201.154\(b\)](#).

APPENDIX B**MSPB Regional and Field Offices**

Atlanta Regional Office: 401 West Peachtree Street, N.W., 10th floor, Atlanta, GA 30308-3519

Telephone: (404) 730-2751; Fax: (404) 730-2767

Geographic Area: Alabama; Florida; Georgia; Mississippi; South Carolina; and Tennessee.

Central Regional Office: 230 South Dearborn Street, 31st floor, Chicago, IL 60604-1669

Telephone: (312) 353-2923; Fax: (312) 886-4231

Geographic Area: Illinois; Indiana; Iowa; Kansas City, Kansas (only Kansas City); Kentucky; Michigan; Minnesota; Missouri; Ohio; and Wisconsin.

Dallas Regional Office: 1100 Commerce Street, Room 620, Dallas, TX 75242-9979

Telephone: (214) 767-0555; Fax: (214) 767-0102

Geographic Area: Arkansas; Louisiana; Oklahoma; and Texas.

Denver Field Office: 165 South Union Blvd., Suite 318, Lakewood, CO 80228-2211

Telephone: (303) 969-5101; Fax: (303) 969-5109

Geographic Area: Arizona; Colorado; Kansas (except Kansas City); Montana; Nebraska; New Mexico; North Dakota; South Dakota; Utah; and Wyoming.

New York Field Office: 1601 Market Street, Suite 1700, Philadelphia, PA 19103

Telephone: (215) 597-9960; Fax: (215) 597-3456

Geographic Area: New Jersey counties of Bergen, Essex, Hudson, and Union; New York; Puerto Rico; and Virgin Islands.

Northeastern Regional Office: 1601 Market Street, Suite 1700, Philadelphia, PA 19103

Telephone: (215) 597-9960; Fax: (215) 597-3456

Geographic Area: Connecticut; Delaware; Maine; Maryland (except the counties of Montgomery and Prince George's); Massachusetts; New Hampshire; New Jersey (except the counties of Bergen, Essex, Hudson, and Union); Pennsylvania; Rhode Island; Vermont; and West Virginia.

Washington Regional Office: 1901 S. Bell Street, Suite 950, Arlington, VA 22202

Telephone: (703) 756-6250; Fax: (703) 756-7112

Geographic Area: Maryland counties of Montgomery and Prince George's; North Carolina; Virginia; Washington, DC; and all overseas areas not otherwise covered.

Western Regional Office: 1301 Clay Street, Suite 1380N, Oakland, CA 94612-5217

Telephone: (510) 273-7022; Fax: (510) 273-7136

Geographic Area: Alaska; California; Hawaii; Idaho; Nevada; Oregon; Washington; and Pacific overseas.

Attached Response to Part II, Question 16

On March 28, 2025, Saurabh Sharma, Special Assistant to the President, Office of Presidential Personnel, purported to terminate Assistant United States Attorney (“AUSA”) Adam P. Schleifer’s employment, and constructively removed him from the federal service, without cause and without notice and an opportunity to be heard, in violation of Mr. Schleifer’s rights under the civil-service statutes and the First and Fifth Amendments to the United States Constitution.

Mr. Schleifer was not removed for poor performance or for any other permissible cause. To the contrary, his federal service was distinguished; Mr. Schleifer’s performance had been rated consistently as “outstanding,” the highest possible rating, and he had never received a negative performance review. At the time of his unlawful constructive termination, Mr. Schleifer had been handling and leading some of the most significant and complex cases in the United States Attorney’s Office for the Central District of California as part of his service in that office’s Corporate and Securities Fraud Strike Force.

Instead, and on information and belief, Mr. Schleifer was constructively terminated in March 2025 because of his “engagement in constitutionally protected political activity” five years ago, when he was not an employee of the Department of Justice. *See, e.g., Heffernan v. City of Paterson*, 578 U.S. 266, 268 (2016). To vindicate his rights and reaffirm the due-process and free-speech protections to which all civil-service employees and citizens are entitled, Mr. Schleifer brings this Appeal.

Background

Mr. Schleifer holds an A.B. in both Philosophy and Government from Cornell University, and a J.D. from Columbia University, where he was a James Kent Scholar, a Senior and Staff Development Editor of the *Columbia Law Review*, a member of the Jessup International Law Moot Court Team, and a teaching and research assistant to multiple professors. After serving as a law clerk to judges of both the United States District Court for the Southern District of New York and the United States Court of Appeals for the Ninth Circuit, Mr. Schleifer worked for nearly five years as an associate at Wachtell Lipton before serving approximately three years as Special Associate Counsel for consumer protection, banking, and insurance at the New York Department of Financial Services.

Mr. Schleifer began serving an AUSA for the Central District of California on September 18, 2016, and served in that Office in both the General Crimes and Major Frauds Sections until November 8, 2019, when he separated from federal service to become a candidate for the United States Congress in New York’s 17th Congressional District. While a candidate for Congress, and, later, as a private citizen, Mr. Schleifer advocated certain personal political positions, including the importance of upholding the rule of law, preventing public corruption, and ensuring the government honored the results of the 2020 election and peacefully transferred power. Mr. Schleifer’s First-Amendment-protected political advocacy included postings on Twitter (now known as X) and other social media platforms.

In fall 2020, the United States Attorney for the Central District of California, Nicola T. Hanna, an appointee of President Donald J. Trump, recruited and rehired Mr. Schleifer to resume his service as an AUSA in the Major Frauds Section of that Office. Mr. Hanna's decision to reappoint Mr. Schleifer reflected both Mr. Schleifer's reputation for commitment to the impartial, nonpartisan administration of justice—without fear or favor—as well as the apolitical role of a career AUSA. Mr. Schleifer received his commission and resumed his federal service as an AUSA on January 19, 2021, in which role he proudly, impartially, and effectively served until his unlawful constructive termination and removal on March 28, 2025.

As noted, Mr. Schleifer's performance was consistently rated as "outstanding," the highest rating available, throughout his career as an AUSA; he had received that rating of outstanding for at least the six or seven most recent years in which his performance was reviewed and rated. In July 2021, Mr. Schleifer was recognized by then-FBI Director Christopher Wray for "demonstrated excellence" in the successful prosecution of one of the largest workers' compensation health care frauds in Southern California history, and, in 2024, Mr. Schleifer also received an award from the U.S. Department of Labor's Office of Inspector General for "extraordinary contributions to combat COVID-19 related unemployment insurance fraud." At the time of his unlawful constructive termination, Mr. Schleifer had been handling and leading some of the most significant and complex cases in the United States Attorney's Office for the Central District of California as part of his service in that office's Corporate and Securities Fraud Strike Force.

Soon after his return to the United States Attorney's Office in winter 2021, Mr. Schleifer was assigned, among other cases, to an ongoing investigation of Andrew Wiederhorn and others for possible criminal violations of the antifraud provisions of Titles 15, 18, and 26 of the United States Code. This investigation had previously been opened under the supervision of then-United States Attorney Hanna and had previously been staffed by another AUSA who left the office soon after Mr. Schleifer's return. In spring 2024, Mr. Schleifer's direct supervisors, Alexander B. Schwab and Brett A. Sagel, along with Criminal Division Chief Mack E. Jenkins, U.S. Attorney E. Martin Estrada, and others, authorized the decision to seek charges in that matter, in accordance with Department of Justice procedures. On May 9, 2024, a Grand Jury in the Central District of California returned two indictments against Mr. Wiederhorn and others in *United States v. Wiederhorn, et al.*, No. 2:24-cr-00295 (C.D. Cal. May 9, 2024), and *United States v. Wiederhorn*, No. 2:24-cr-00296 (C.D. Cal. May 9, 2024). Until his purported removal, Mr. Schleifer had prosecuted these cases consistent with all law and DOJ policy, and no findings otherwise were made by any court or any organ of the Department of Justice. Neither was Mr. Schleifer ever instructed to desist from the prosecution.

On information and belief, however, in early 2025, Mr. Wiederhorn and his defense team commissioned a tabloid news article attacking Mr. Schleifer for his work on these cases and urged officials at the White House, Department of Justice, and the United States Attorney's Office for the Central District of California to remove Mr. Schleifer from both this case and his position as an AUSA. As part of that improper campaign (*see, e.g.*, Cal. Rules of Professional Conduct 8.4, 8.41), in a meeting held on or around March 17, 2025, Wiederhorn's counsel, including Nicola Hanna, Sandra Brown, Douglas Fuchs, along with FAT Brands, Inc.'s counsel, including Vicki Chou and Thomas Zaccaro, participated in a presentation to the United States Attorney's Office in which they sought Mr. Schleifer's removal from the cases on the mistaken,

unethical, and improper grounds that his and the Office's work on those cases reflected a "woke," "DEI," and "Biden" bias, including because Mr. Schleifer had, early in 2020 (when not employed by the Department of Justice), posted comments on Twitter in support of the "rule of law" and critical of then-President Donald J. Trump's actions. This was all notwithstanding the fact that Nicola Hanna had, while serving under President Trump as U.S. Attorney, hired Mr. Schleifer to serve as an AUSA in late 2019 and early 2020, and that the investigation into Mr. Wiederhorn had been opened under Mr. Hanna and been assigned to Mr. Schleifer by his supervisors only later in 2021 when a previously assigned AUSA had left the Office. At that March 17, 2025, meeting, the then-acting U.S. Attorney requested that counsel for Wiederhorn and FAT Brands Inc. make a formal written submission to the Office regarding these efforts.

On information and belief, instead of making such written submission to the United States Attorney's Office, Mr. Wiederhorn and his defense team provided the same 2020 Twitter posts to White House officials and other tabloid and "citizen" journalists, and reiterated the same inaccurate, improper, and unethical arguments regarding Mr. Schleifer's service, including that he was somehow a "Biden holdover." As posts on X substantiate, eleven days later, Mr. Sharma removed Mr. Schleifer from his position as a career AUSA on the basis of these smears, which originated with and were promoted by Mr. Wiederhorn, his defense team, and that of his codefendant, FAT Brands, Inc.

Mr. Sharma Purports to Remove Mr. Schleifer

On March 27, 2025, conservative activist Erik Finman took to X to call for Mr. Schleifer's removal, posting to his more than 82,000 followers that "A Biden holdover radical Democrat is still working as a federal prosecutor under Trump," highlighting a five-year old post from when Mr. Schleifer was a private citizen not employed by the federal government. On March 28, 2025, Laura Loomer, another political activist, repeated the call for Mr. Schleifer's removal, asking the President and Attorney General Pam Bondi, "Why is Biden holdover @AdamSchleiferNY Adam Schleifer still working for the US Attorney's office under the new Trump administration? . . . Fire him." Ms. Loomer continued, "We need to purge the US Attorney's office of all leftist Trump haters." Ms. Loomer's call for Mr. Schleifer's firing was widely distributed—the post was published to Ms. Loomer's 1.6 million followers on X.com and was republished by more than 8,000 accounts.

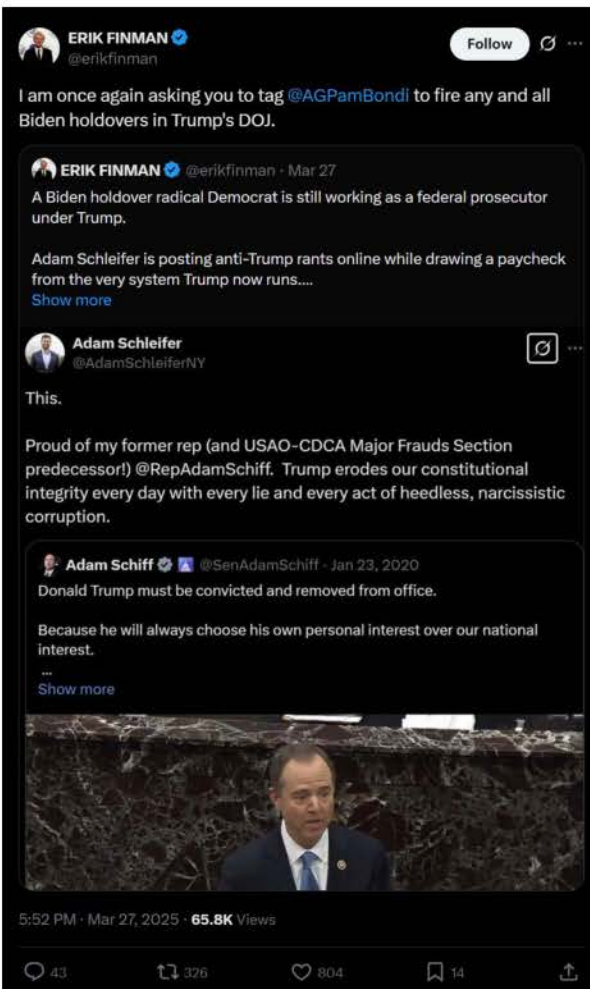


Fig. 1: Finman statement calling for removal of Mr. Schleifer on May 27, 2025 at 5:52 PM obtained at <https://x.com/erikfinman/status/190542282431287335>

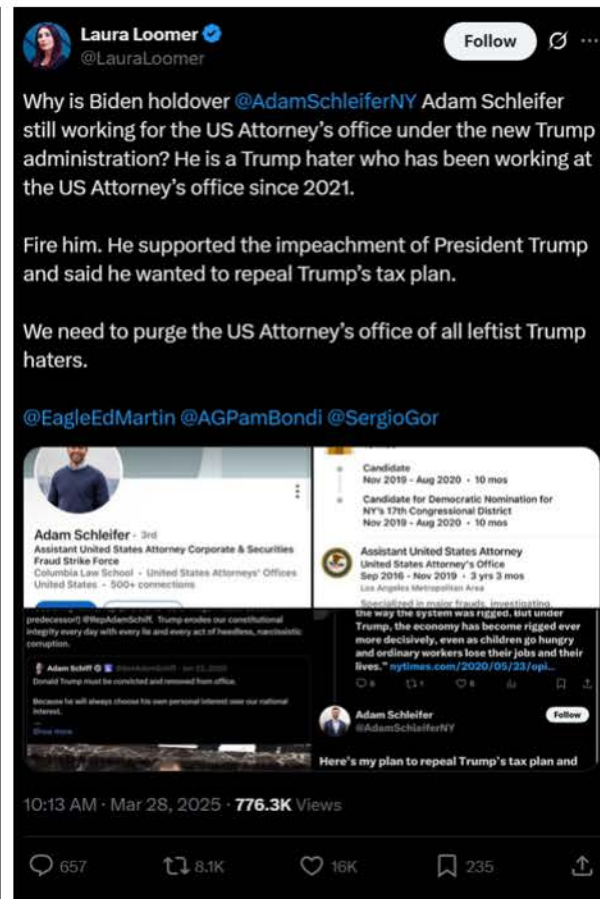


Fig. 2: Loomer statement calling for removal of Mr. Schleifer on May 28, 2025 at 10:13 AM obtained at <https://x.com/LauraLoomer/status/1905669471542370534>.

Within 24 hours of Mr. Finman's post on X, and exactly one hour after Ms. Loomer's post on the same site, Mr. Schleifer received an email to his DOJ email address from Saurabh Sharma, Special Assistant to the President, Office of Presidential Personnel, purporting to terminate his federal employment effective immediately. Mr. Sharma's email did not provide any cause. Mr. Sharma's email, entitled "Termination--Effective Immediately," read, in full: "On behalf of President Donald J. Trump, I am writing to inform you that your position as Assistant U.S. Attorney is terminated, effective immediately."

From: Sharma, Saurabh N. EOP/WHO <(b)(6)>
Sent: Friday, March 28, 2025 11:13 AM
To: Schleifer, Adam (USACAC) <Adam.Schleifer@usdoj.gov>
Subject: [EXTERNAL] Termination--Effective Immediately

Adam,

On behalf of President Donald J. Trump, I am writing to inform you that your position as Assistant U.S. Attorney is terminated, effective immediately.

Saurabh Sharma
Special Assistant to the President
Office of Presidential Personnel

Fig. 3: Friday, March 28, 2025 Email from Mr. Sharma purporting to remove Mr. Schleifer.

This was the first and only notice Mr. Schleifer received of his removal. Because the message came not from the Department of Justice but instead from a White House staffer far outside the usual chain of command for AUSAs, Mr. Schleifer tried to confirm his employment status with his supervisors. His supervisors confirmed that both they and all others at DOJ had been unaware of any employment action against him, but suspected that such action might be “real.” Within thirty minutes, Mr. Schleifer’s government iPhone had been remotely “wiped,” and his access to his workstation and cloud servers removed. To this date, Mr. Schleifer has received no formal notice of adverse employment action from DOJ, nor any indication that his performance as an AUSA was in any regard unsatisfactory, or that his removal was for any other permissible cause.

Within hours of Mr. Sharma’s email telling Mr. Schleifer he had been “terminated,” before Mr. Schleifer’s purported removal was reported in the press, and before even Mr. Schleifer’s supervisors at DOJ could confirm his purported removal, Erik Finman and Laura Loomer posted to X celebrating Mr. Schleifer’s removal. On information and belief, Mr. Finman and Ms. Loomer learned of Mr. Schleifer’s removal just hours after it took place because they had been informed by Mr. Sharma or others within the Executive Office of the President. Ms. Loomer claimed credit for the removal, replying “LOOMERED!” to Mr. Finman’s post confirming the removal.

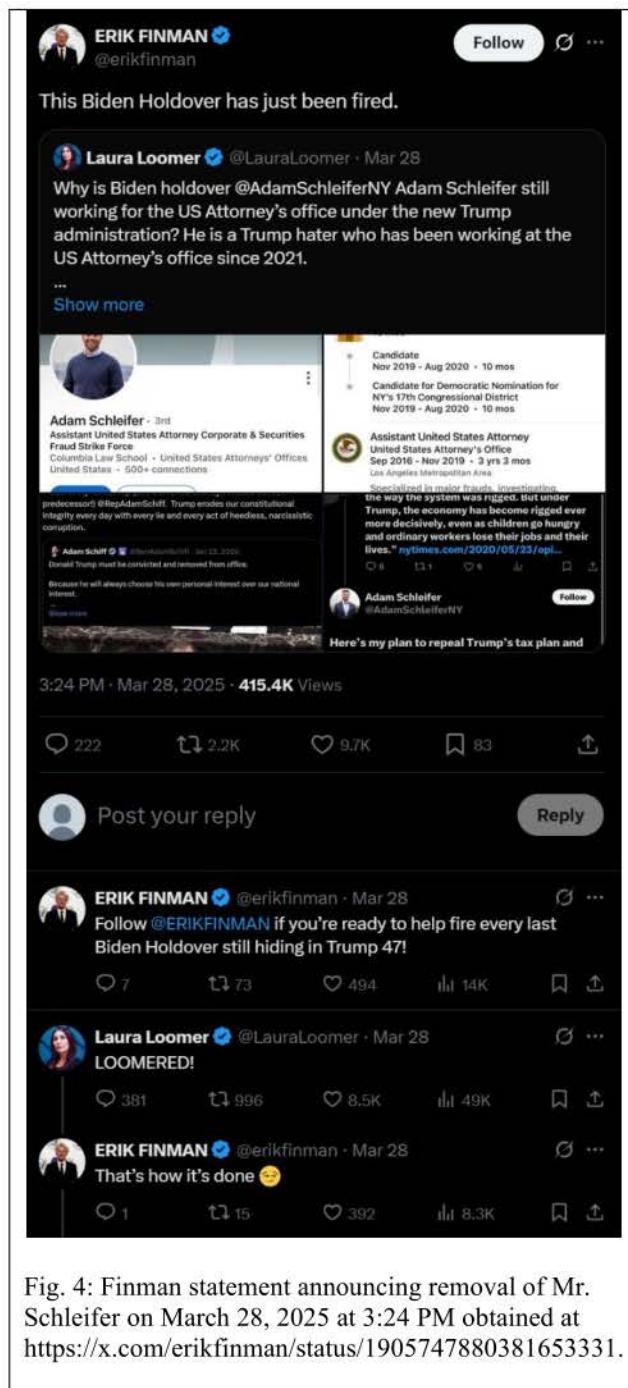


Fig. 4: Finman statement announcing removal of Mr. Schleifer on March 28, 2025 at 3:24 PM obtained at <https://x.com/erikfinman/status/1905747880381653331>.

Mr. Schleifer's Removal Was Unlawful

Mr. Sharma's purported removal of Mr. Schleifer was unlawful. Mr. Sharma removed Mr. Schleifer for no lawful cause, but instead on the basis of perceptions regarding Mr. Schleifer's political affiliation and in retaliation for Mr. Schleifer's prior protected exercise of his First-Amendment rights. Mr. Schleifer was afforded none of the process due to him under applicable law, including without notice or an opportunity to be heard. In summary, Mr.

Schleifer has been unlawfully removed from his civil-service position as an AUSA in violation of his statutory and constitutional rights.

As an AUSA with more than two years of current continuous service, Mr. Schleifer is an employee for the purposes of the Civil Service Reform Act (“CSRA”) with a statutory right to: (1) at least 30 days’ advance written notice stating specific reasons for the proposed action; (2) an opportunity to answer orally and in writing; (3) the opportunity to remain in duty status during the notice period; and (4) a written decision providing legally sufficient and specific reasons for the action. 5 U.S.C. §§ 7511(a)(1), 7512(1), 7513(d). Mr. Schleifer’s removal, without notice or an opportunity to be heard meeting the minimum standards set forth above violated the CSRA. *See also Stone v. F.D.I.C.*, 179 F.3d 1368, 1378 (Fed. Cir. 1999) (“Public employees are, of course, entitled to whatever other procedural protections are afforded them by statute, regulation, or agency procedure which is in addition to the protections afforded by the Constitution.”).

Further, as a federal employee who by statute may be removed only for cause, Mr. Schleifer “plainly” has “a property interest in continued employment,” and cannot, consistent with the due process clause of the Constitution, be removed without due process, including “oral or written notice of the charges against him, an explanation of the employer’s evidence, and an opportunity to present his side of the story,” prior to termination. *Stone*, 179 F.3d at 1375–76 (quoting *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 542–46 (1985)). The removal of an employee under the CSRA “taken without affording an appellant prior notice of the charges, an explanation of the agency’s evidence, and an opportunity to respond, must be reversed because such an action violates his constitutional right to minimum due process.” *Stephen v. Department of the Air Force*, 47 MSPB 672, at *10 (1991) (emphasis added).

The record of Mr. Schleifer’s purported removal—Mr. Sharma’s single-sentence email, which provided no reason for his removal—does not reflect any cause for his removal. Mr. Sharma’s purported removal of Mr. Schleifer without cause is a further violation of the CSRA. 5 U.S.C. § 7513(a).

In his more than seven years of federal executive-branch service, Mr. Schleifer served through four separate presidential administrations, reflecting presidents from both major political parties, and carried out his legal duties and ethical obligations to defend the Constitution and advocate on behalf of the United States to the best of his ability without regard for his personal political views and without any other fear or favor. Indeed, his record of doing so under both President Obama and President Trump from 2016 through 2019 predicated the offer he accepted to return to that position under then-United States Attorney Hanna and President Trump in fall 2020. Like all Americans, Mr. Schleifer is entitled to have and express his personal political views consistent with laws such as the Hatch Act, as well as to seek to serve his country in public office. Nothing in Mr. Schleifer’s conduct as a private citizen would cast any doubt on his commitment to defend the Constitution and the rule of law and to advance the impartial administration of justice. Despite this, on information and belief, Mr. Sharma purported to remove Mr. Schleifer based on perceived political affiliations and based on Mr. Schleifer’s protected political speech dating to a period (2020) when he was not serving as an AUSA or otherwise employed by the United States. In particular, on information and belief, Mr. Sharma purported to fire Mr. Schleifer based on his perception that Mr. Schleifer is a Democrat, had

supported political opponents of then-President Trump such as Adam Schiff, and had made comments critical of President Trump in and around January 2020.

Mr. Sharma's purported removal of Mr. Schleifer for First Amendment protected activity violated Mr. Schleifer's First Amendment rights, because "[t]he First Amendment generally prohibits government officials from dismissing or demoting an employee because of the employee's engagement in constitutionally protected political activity." *Heffernan v. City of Paterson, N.J.*, 578 U.S. 266, 268 (2016). *See also Cutcliffe v. Cochran*, 117 F.3d 1353, 1357 (11th Cir. 1997) (Supreme Court precedent "would not permit the dismissal of all Assistant U.S. Attorneys for patronage reasons.").

Mr. Sharma's purported removal of Mr. Schleifer based on perceived political affiliation was also a prohibited personnel practice in violation of 5 U.S.C. § 2302(b)(1)(E), which prohibits the government from "discriminat[ing] for or against any employee . . . on the basis of . . . political affiliation, as prohibited under any law, rule, or regulation." *See also* 5 USC §1214(g) (providing for consequential and compensatory damages for prohibited personnel practices).

Damages and Prayer for Relief

Mr. Schleifer's unlawful removal has ended his career in the federal service—a career of public service that he valued beyond measure. His removal will cause him significant financial loss, distress, loss of enjoyment, reputational damage, and significant loss of future earnings. Mr. Schleifer's removal from his position as an AUSA by the Office of Presidential Personnel for unprecedented partisan and political reasons also undermines a bedrock principle of our system justice: that the federal prosecutor is not a partisan political actor, but has a duty to prosecute without fear or favor. Indeed, "The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereign whose obligation to govern impartially is as compelling as its obligation to govern at all." *Berger v. United States*, 295 U.S. 78, 88 (1935).

Mr. Schleifer seeks all relief including, without limitation, reinstatement, correction of records, nonpecuniary compensatory damages, pecuniary damages, back pay and other benefits, front pay, other equitable relief, severance pay, interest, attorneys' fees and costs, and any other relief available under the law. He reserves the right to revise and supplement the types of relief sought as additional information becomes available.

PART 4 - Designation of Representative

26. Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)

☒ Yes (*complete the information below and sign*)

☐ No

DESIGNATION:

"I hereby designate Jonathan I. Kravis to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf. In addition, I specifically delegate to my representative the authority to settle this appeal on my behalf. **I understand that any limitation on this settlement authority must be filed in writing with the Board.**"

Representative's address (*number and street, city, state and ZIP code*)

Address:

Munger, Tolles & Olson LLP
601 Massachusetts Avenue NW
Suite 500 E

City: Washington

State: DC

ZIP Code: 20001

Representative's telephone numbers (*include area code*) and email address

Office: (202) 220-1130

Fax: (202) 220-1100

Other:

Email Address: Jonathan.Kravis@mta.com

SIGN BELOW TO MAKE YOUR DESIGNATION OF REPRESENTATIVE EFFECTIVE

Adam Schleifer

Appellant's Signature

04/23/2025

Date (MM/DD/YYYY)

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE**

ADAM SCHLEIFER,
Appellant,

DOCKET NUMBER
DC-0752-25-2535-I-1

v.

DEPARTMENT OF JUSTICE,
Agency.

DATE: April 29, 2025

ACKNOWLEDGMENT NOTICE

This notice acknowledges receipt of the above-captioned appeal. Due to the potential for receipt of appeals from the same agency with the same or similar issues, this appeal may be considered as part of a consolidation. *See* 5 C.F.R. § 1201.36. The parties are informed that they will be contacted with instructions concerning the adjudication of this appeal once the Board confirms the composition of any consolidation. **Parties should not contact this office at this time.**

Detailed information on the procedures that will apply when this case is reached for adjudication is in the Board's regulations at 5 C.F.R. part 1201, which may be accessed in law libraries, some large public libraries, and at the Board's website (<http://www.mspb.gov>). Note that an Administrative Judge may waive any regulation not required by law.

MANDATORY E-FILING

The Board requires all pleadings filed by agency representatives and attorneys who represent appellants in Board proceedings to be electronically filed (e-filed) using the Board's e-Appeal system at <https://e-appeal.mspb.gov/>. This requirement applies to all pleadings in all adjudicatory proceedings before the Board unless specifically excluded by 5 C.F.R. § 1201.14(d). Agency

representatives and attorneys representing appellants in Board proceedings must register with e-Appeal as e-filers. For additional instructions on e-filing, visit the e-Appeal Information Hub (<https://www.mspb.gov/e-appeal/index.htm>) and review the Board's regulations at 5 C.F.R. § 1201.14. The Board strongly encourages all parties to register as e-filers to assure quicker and more efficient service of all pleadings and orders. The parties may register on the Board's e-Appeal site (<https://e-appeal.mspb.gov>). A designation of representative form can also be found on the Board's website and must be submitted by any represented party.

Jeremiah Cassidy

FOR THE BOARD:

Jeremiah Cassidy
Chief Administrative Judge
Washington Regional Office
1901 S. Bell Street, Suite 950
Arlington, VA 22202
Phone: (703) 756-6250
Fax: (703) 756-7112
V/TDD

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

Appellant

U.S. Mail

Adam Schleifer

(b)(6)

Agency Representative

Electronic Service

Phillip Merkle

Served on email address registered with MSPB

Agency Representative

Electronic Service

Neil White

Served on email address registered with MSPB

04/29/2025

(Date)

Jeremy Meyers

Jeremy Meyers

Supervisory Paralegal Specialist

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Summary Page

Case Title : Adam Schleifer v. Department of Justice

Docket Number : DC-0752-25-2535-I-1

Pleading Title : Agency Rep Addition

Filer's Name : Sahar Amandolare

Filer's Pleading Role : Agency

Details about the supporting documentation

#	Title / Description	Mode of Delivery
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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Table of Contents

Summary	.....	1
Table of Contents	.....	2
Interview	.....	3
Certificate of Service	.....	4

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Online Interview

Certificate of Service

e-Appeal has handled service of the assembled pleading to MSPB and the following Parties.

Name & Address	Documents	Method of Service
MSPB: Washington Regional Office	Agency Rep Addition	e-Appeal
White, Neil	Agency Rep Addition	e-Appeal

I agree to send a printed copy of the electronic pleading with attachments to all parties by the end of next business day, as follows:

Name & Address	Documents	Method of Service
Schleifer, Adam (b)(6) United States of America	Agency Rep Addition	US Mail

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Summary Page

Case Title : Adam Schleifer v. Department of Justice

Docket Number : DC-0752-25-2535-I-1

Pleading Title : Agency Rep Addition

Filer's Name : James Macklin

Filer's Pleading Role : Agency

Details about the supporting documentation

#	Title / Description	Mode of Delivery
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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Table of Contents

Summary	.....	1
Table of Contents	.....	2
Interview	.....	3
Certificate of Service	.....	4

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Online Interview

Certificate of Service

e-Appeal has handled service of the assembled pleading to MSPB and the following Parties.

Name & Address	Documents	Method of Service
MSPB: Washington Regional Office	Agency Rep Addition	e-Appeal
Amandolare, Sahar	Agency Rep Addition	e-Appeal
White, Neil	Agency Rep Addition	e-Appeal

I agree to send a printed copy of the electronic pleading with attachments to all parties by the end of next business day, as follows:

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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Agency Rep Addition

Summary Page

Case Title : Adam Schleifer v. Department of Justice

Docket Number : DC-0752-25-2535-I-1

Pleading Title : Agency Rep Addition

Filer's Name : James Bush

Filer's Pleading Role : Agency

Details about the supporting documentation

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Adam Schleifer v. Department of Justice

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Table of Contents

Summary	1
Table of Contents	2
Interview	3
Certificate of Service	4

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Kravis, Jonathan	Agency Rep Addition	e-Appeal
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White, Neil	Agency Rep Addition	e-Appeal

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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Request for an Acknowledgment Order

Summary Page

Case Title : Adam Schleifer v. Department of Justice

Docket Number : DC-0752-25-2535-I-1

Pleading Title : Request for an Acknowledgment Order

Filer's Name : Jonathan Kravis

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title / Description	Mode of Delivery
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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Request for an Acknowledgment Order

Table of Contents

Summary	.....	1
Table of Contents	.....	2
Interview	.....	3
Body	.....	4
Certificate of Service	.....	6

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Request for an Acknowledgment Order

Online Interview

1. Enter a brief title for your pleading.

Request for an Acknowledgment Order

2. Does your pleading assert facts that you know from your personal knowledge?

Yes

3. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE**

Adam Schleifer,
Appellant,
v.

U.S. Department of Justice,
Agency.

)
)
) DOCKET NUMBER
) DC-0752-25-2535-I-1
)

) DATE: June 30, 2025
)
)

REQUEST FOR AN ACKNOWLEDGMENT ORDER

Appellant respectfully requests that the Board issue an Acknowledgement Order in this matter. Appellant filed his Initial Appeal on April 24, 2025. Tab 1. On April 29, 2025, the Board issued an Acknowledgement Notice stating that the appeal may be considered for consolidation and that further instructions would issue once the Board determined the composition of the consolidation. Tab 2 at 1. As of this filing, no Acknowledgement Order in this proceeding has issued.

Appellant seeks an Acknowledgement Order so that his Appeal may move forward efficiently through the Department of Justice's response to the Appeal and then to discovery. Further delay prejudices Appellant both because it prolongs Appellant's uncertainty regarding the resolution of his wrongful termination, with resulting financial and emotional strain, and because it hinders Appellant's ability to take discovery promptly while witness' recollections are fresh and the necessary evidence remains available.

As far as he is aware, Appellant is the only Assistant United States Attorney serving in a line capacity to have been purportedly removed from his position by the President in the history of the United States. And as already acknowledged by persons involved in the purported removal, Appellant was removed in retaliation for comments he made five years earlier while not

an employee of the Department of Justice, which removal was in violation of both his statutory and constitutional rights. Tab 1 at 21-26. This appeal is therefore not a reasonable candidate for consolidation, which undercuts the only possible basis for further delay, as implied by the Acknowledgement Notice in this case.

Appellant met and conferred with counsel for the Department of Justice regarding this issue, and the Department declined to join Appellant's request.

For the foregoing reasons, Appellant respectfully requests that the Board issue an Acknowledgment Order in this matter.

Respectfully submitted,

/s/ Jonathan Kravis

Jonathan I. Kravis
Attorney for Appellant

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Macklin, James	Request for an Acknowledgment Order	e-Appeal
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Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Designation of Representative

Summary Page

Case Title : Adam Schleifer v. Department of Justice

Docket Number : DC-0752-25-2535-I-1

Pleading Title : Designation of Representative

Filer's Name : Jonathan Kravis

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title / Description	Mode of Delivery
1	Designation_of_Representative (DBL).pdf	Uploaded

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Designation of Representative

Table of Contents

Summary	.....	1
Table of Contents	.....	2
Interview	.....	3
Designation_of_Representative (DBL)	.....	4
Certificate of Service	.....	5

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Designation of Representative

Online Interview

1. Enter representative's name.

Daniel B. Levin

2. Enter representative's address.

Munger, Tolles & Olson, LLP, 350 South Grand Avenue, 50th Floor, Los Angeles, CA
90071-3426

3. Enter representative's telephone numbers

(213) 683-9100

4. Representative's Email Address

daniel.levin@mto.com

PART 4 - Designation of Representative

26. Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)

☒ Yes (*complete the information below and sign*)

☐ No

DESIGNATION:

"I hereby designate Daniel B. Levin to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf. In addition, I specifically delegate to my representative the authority to settle this appeal on my behalf. **I understand that any limitation on this settlement authority must be filed in writing with the Board.**"

Representative's address (*number and street, city, state and ZIP code*)

Address:

Munger, Tolles & Olson
350 South Grand Avenue,
50th Floor

City: Los Angeles

State: California

ZIP Code: 90071-3426

Representative's telephone numbers (*include area code*) and email address

Office: (213) 683-9100

Fax:

Other:

Email Address: daniel.levin@mto.com

SIGN BELOW TO MAKE YOUR DESIGNATION OF REPRESENTATIVE EFFECTIVE

APS

Appellant's Signature

06/30/2025

Date (MM/DD/YYYY)

Certificate of Service

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Summary Page

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Pleading Title : Designation of Representative

Filer's Name : Jonathan Kravis

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title / Description	Mode of Delivery
1	Designation_of_Representative (REB).pdf	Uploaded

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Designation of Representative

Table of Contents

Summary	.....	1
Table of Contents	.....	2
Interview	.....	3
Designation_of_Representative (REB)	.....	4
Certificate of Service	.....	5

Adam Schleifer v. Department of Justice

Docket # DC-0752-25-2535-I-1

Designation of Representative

Online Interview

1. Enter representative's name.

Robert E. Bowen

2. Enter representative's address.

Munger, Tolles & Olson, LLP, 350 South Grand Avenue, 50th Floor, Los Angeles, CA
90071-3426

3. Enter representative's telephone numbers

(213) 683-9587

4. Representative's Email Address

robert.bowen@mto.com

PART 4 - Designation of Representative

26. Has an individual or organization agreed to represent you in this proceeding before the Board? (You may designate a representative at any time. However, it is unlikely that the appeals process will be delayed for reasons related to obtaining or maintaining representation. Moreover, you must promptly notify the Board in writing of any change in representation.)

☒ Yes (*complete the information below and sign*)

☐ No

DESIGNATION:

"I hereby designate Robert E. Bowen to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf. In addition, I specifically delegate to my representative the authority to settle this appeal on my behalf. **I understand that any limitation on this settlement authority must be filed in writing with the Board.**"

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Munger, Tolles & Olson
350 South Grand Avenue,
50th Floor

City: Los Angeles

State: California

ZIP Code: 90071-3426

Representative's telephone numbers (*include area code*) and email address

Office: (213) 683-9587

Fax:

Other:

Email Address: robert.bowen@mto.com

SIGN BELOW TO MAKE YOUR DESIGNATION OF REPRESENTATIVE EFFECTIVE

APS

Appellant's Signature

06/30/2025

Date (MM/DD/YYYY)

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