

DHS Probationary Employees 1 Class v. Department of Homeland Security

Docket # DC-0752-25-1781-I-1

Parties Proposed Class Notice

Summary Page

Case Title : DHS Probationary Employees 1 Class v. Department of Homeland Security

Docket Number : DC-0752-25-1781-I-1

Pleading Title : Parties Proposed Class Notice

Filer's Name : Christopher Bonk

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title / Description	Mode of Delivery
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DHS Probationary Employees 1 Class v. Department of Homeland Security

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Parties Proposed Class Notice

Online Interview

1. Enter a brief title for your pleading.

Parties Proposed Class Notice

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

No

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

No



Class Action Notice

*Authorized by the Administrative Judge in
DHS Probationary Employees 1 Class
v. Department of Homeland Security*

MSPB Docket No.
DC-0752-25-1781-I-1

Why did you get this notice?

You are receiving this notice because you are a potential member of a class in the case of *DHS Probationary Employees 1 Class v. Department of Homeland Security*. The case is brought on behalf of all probationary employees at the Department of Homeland Security (DHS) who were terminated by DHS between February 14 and February 20, 2025, who were not terminated based on specific, individual performance or conduct deficiencies. The case, which is pending before the Merit Systems Protection Board (MSPB), challenges the terminations alleging the terminations were an unlawful Reduction in Force (RIF)—a downsizing that DHS executed without affording employees the rights to which they are entitled by law when a RIF is conducted. You received this notice because **DHS has identified you as one of the probationary employees who were terminated during this period who may be a member of the class.**

What is class certification?

Class certification means that a claim challenging your termination can go forward with those of all other probationary employees terminated during the same time period. For all these employees, the judge can collectively adjudicate claims that the terminations were a RIF and DHS violated the law by not following the procedures required for executing RIFs. If you take no action and are determined to be a member of the class, any ruling from the judge will apply to you, and you will not be able to file claims against DHS about the same issues.

Who is in the class?

The judge has defined the class to include any DHS employees serving a probationary or trial period who were issued termination notices between February 14-20, 2025, as a result of instructions from DHS leadership to terminate those serving a probationary or trial period. The class does *not* include anyone who: (1) was terminated in the same time period based on specific, individual performance or conduct deficiencies; (2) enrolled in DHS's deferred resignation program or entered a similar agreement waiving their rights to pursue an appeal in the MSPB; and (3) any employee who received a substantively identical termination notice in the same time frame but met the definition of "employee" under 5 USC 7511.¹

¹ "Employee" in 5 USC 7511 means someone who is either (1) a competitive service employee with 1 year of continuous service under other than a temporary appointment limited to 1 year or less, (2) a preference eligible in the excepted service who has completed 1 year of continuous service in the same or similar positions, or (3) an individual in the excepted service who has completed 2 years of continuous service in the same or similar positions under other than a temporary appointment of 2 years or less or not pending conversion to the competitive service.

Your options:	More about each option:
Opt Out	File an individual appeal in the MSPB challenging your termination by no later than June 29, 2025 . ²
Do Nothing	If you take no action, you will remain in the class if you are a member and any ruling from the MSPB will apply to you.

Who are my lawyers? And how do I get additional information?

All class members are represented by attorneys at Brown Goldstein Levy, Cohen Milstein Sellers & Toll, Gilbert Employment Law, and James & Hoffman. If you have questions or need assistance, please call [phone number]. You can also learn more at [website].

² To file an individual appeal, you may go to: <https://e-appeal.mspb.gov/etk-mspb-appeals-prod/login.request.do>. See 5 C.F.R. 1201.27 regarding deadlines for a timely individual appeal. The lawyers listed here would not represent you in an individual appeal. If you have already filed an individual appeal and choose to opt out of the class, you must file a document in your individual appeal informing the MSPB that you still wish to proceed individually on your appeal. Failure to inform the MSPB of your decision to proceed individually could result in dismissal of your case.

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: Western Regional Office	Parties Proposed Class Notice	e-Appeal
Aragon, Linda	Parties Proposed Class Notice	e-Appeal
Barefield, Karen	Parties Proposed Class Notice	e-Appeal
Carstens, Zachary	Parties Proposed Class Notice	e-Appeal
Class, DHS Probationary Employees 1	Parties Proposed Class Notice	e-Appeal
Corman, Brian	Parties Proposed Class Notice	e-Appeal
Esters, Eyana	Parties Proposed Class Notice	e-Appeal
Ferguson Queen, Julie	Parties Proposed Class Notice	e-Appeal
Hwang, Alice	Parties Proposed Class Notice	e-Appeal
Kim, Tae	Parties Proposed Class Notice	e-Appeal
Koerner, John	Parties Proposed Class Notice	e-Appeal
Leary, Shannon	Parties Proposed Class Notice	e-Appeal
Ojserkis, Rebecca	Parties Proposed Class Notice	e-Appeal
Owen, Kevin	Parties Proposed Class Notice	e-Appeal

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

Name & Address	Documents	Method of Service
Perry, Michelle	Parties Proposed Class Notice	e-Appeal
Postman, Emily	Parties Proposed Class Notice	e-Appeal
Queen, Anisha	Parties Proposed Class Notice	e-Appeal
Reed, James	Parties Proposed Class Notice	e-Appeal
Rosenthal, Daniel	Parties Proposed Class Notice	e-Appeal
Schwartz, Charlotte	Parties Proposed Class Notice	e-Appeal
Sellers, Joseph	Parties Proposed Class Notice	e-Appeal
Singh, Sejal	Parties Proposed Class Notice	e-Appeal
Slowen, Margaret	Parties Proposed Class Notice	e-Appeal
Tiwari, Alisa	Parties Proposed Class Notice	e-Appeal
Urias, Arnulfo	Parties Proposed Class Notice	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
Irizarry-Felix, Lilia (b)(6) United States of America	Parties Proposed Class Notice	US Mail

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
Smyly, Jeffrey (b)(6) United States of America	Parties Proposed Class Notice	US Mail
Horton, Robert (b)(6) United States of America	Parties Proposed Class Notice	US Mail

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

DHS PROBATIONARY EMPLOYEES
1 CLASS,

DOCKET NUMBER
DC-0752-25-1781-I-1

Appellant,

v.

DATE: June 3, 2025

DEPARTMENT OF HOMELAND
SECURITY,

Agency.

and

DIRECTOR OF THE OFFICE OF
PERSONNEL MANAGEMENT,

Intervenor.

NOTICE AND ORDER

On June 2, 2025, the parties submitted an agreed notice of class certification and opportunity to opt out that will be provided to potential class members. Initial Appeal File (IAF), Tab 29. The Notice is approved. I **ORDER** the appellant to distribute the notice to potential class members by no later than **June 6, 2025**, as previously discussed. IAF, Tab 27.

Sara K Snyder

FOR THE BOARD:

Sara K Snyder
Chief Administrative Judge

CERTIFICATE OF SERVICE

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

Appellant

Electronic Service DHS Probationary Employees 1 Class
Served on email address registered with MSPB

Appellant Representative

Electronic Service Christopher Bonk
Served on email address registered with MSPB

Appellant Representative

Electronic Service Brian Corman
Served on email address registered with MSPB

Appellant Representative

Electronic Service Alice Hwang
Served on email address registered with MSPB

Appellant Representative

Electronic Service Shannon Leary
Served on email address registered with MSPB

Appellant Representative

Electronic Service Rebecca Ojserkis
Served on email address registered with MSPB

Appellant Representative

Electronic Service Kevin Owen
Served on email address registered with MSPB

Appellant Representative

Electronic Service Emily Postman
Served on email address registered with MSPB

Appellant Representative

Electronic Service Anisha Queen
Served on email address registered with MSPB

Appellant Representative

Electronic Service Daniel Rosenthal
Served on email address registered with MSPB

Appellant Representative

Electronic Service Charlotte Schwartz
Served on email address registered with MSPB

Appellant Representative

Electronic Service Joseph Sellers
Served on email address registered with MSPB

Appellant Representative

Electronic Service Sejal Singh
Served on email address registered with MSPB

Appellant Representative

Electronic Service Alisa Tiwari
Served on email address registered with MSPB

Agency Representative

Electronic Service Linda Aragon
Served on email address registered with MSPB

Agency Representative

Electronic Service Karen Barefield
Served on email address registered with MSPB

Agency Representative

Electronic Service Tae Kim
Served on email address registered with MSPB

Agency Representative

Electronic Service John Koerner
Served on email address registered with MSPB

Agency Representative

Electronic Service Michelle Perry
Served on email address registered with MSPB

Agency Representative

Electronic Service

James Reed

Served on email address registered with MSPB

Agency Representative

Electronic Service

Margaret Slowen

Served on email address registered with MSPB

Agency Representative

Electronic Service

Arnulfo Urias

Served on email address registered with MSPB

Statutory Intervenor

Electronic Service

Zachary Carstens

Served on email address registered with MSPB

Statutory Intervenor

Electronic Service

Eyana Esters

Served on email address registered with MSPB

Statutory Intervenor

Electronic Service

Julie Ferguson Queen

Served on email address registered with MSPB

Secondary Appellant

U.S. Mail

Robert Horton

(b)(6)

Secondary Appellant

U.S. Mail

Lilia Irizarry-Felix

(b)(6)

Secondary Appellant

U.S. Mail

Jeffrey Smyly

(b)(6)

06/03/2025

(Date)

Jessica J Henderson

Jessica J Henderson