



U.S. MERIT SYSTEMS PROTECTION BOARD

1615 M Street, NW
Washington, DC 20419
Phone: (202) 653-7200
Email: mspb@mspb.gov
www.mspb.gov

Merit Systems Protection Board Lack of Quorum and the Inherited Inventory: Chart of Cases Decided and Cases Pending

Between January 7, 2017, and March 3, 2022, the Merit Systems Protection Board (Board) did not have a [quorum of members](#) and therefore could not vote on any petitions for review or other cases requiring action by the Board. At the time the quorum was restored on March 4, 2022, the new Board inherited a case inventory at headquarters of 3,793 cases (the “inherited inventory”). This inventory represents the cases that accumulated during the more than five years that the Board lacked a quorum and was unable to issue Board-level decisions.

The Board began issuing decisions quickly after the quorum was restored and focused initially on issuing a range of decisions in cases that, in its discretion, the Board deemed most critical, including precedential decisions or decisions that otherwise could affect many pending cases; decisions dismissing cases as settled; and many of the oldest pending cases.

Fiscal year 2023 (October 1, 2022, to September 30, 2023) is the Board’s first full year with a quorum of members since fiscal year 2016. For this fiscal year, the Board has prioritized reducing the number of cases remaining in the inherited inventory, with a focus on issuing decisions in a majority of the 1,000 oldest cases in the inherited inventory, i.e., cases that were filed with the Board on or before December 21, 2017. The Board also continues to exercise its discretion to decide cases in a way that balances advancement of legal doctrines, efficiency in case processing, and other considerations inherent to adjudicatory decision-making.

The Board tracks progress towards its goal to reduce the inherited inventory by monitoring the total number of cases decided since the quorum was restored and the number of inherited inventory cases remaining.

Data presented in this chart provides a snapshot of the Board’s progress in deciding cases at the headquarters level and in reducing the inherited inventory. Official case processing statistics are released through the Board’s [Annual Reports and Annual Performance Reports-Annual Performance Plans](#).

**Merit Systems Protection Board
Headquarters (HQ) Case Processing Data
Following the Restoration of Board Quorum on March 4, 2022**

Date (as of)	Total HQ Cases Decided Since the Restoration of Board Quorum	Number of Inherited Inventory Cases Remaining	Percentage of Inherited Inventory Cases Remaining
03/03/2022		3,793	100%
03/04/2022	Board Quorum Restored		
09/30/2022	528*	3,284	87%
10/31/2022	626	3,193	84%
11/30/2022	731	3,093	82%
12/31/2022	784	3,043	80%
01/31/2023	985	2,852	75%
02/28/2023	1,224	2,635	69%
03/31/2023	1,352	2,510	66%
04/30/2023	1,495	2,375	63%
05/31/2023	1,658	2,224	59%
06/30/2023	1,782	2,106	56%
07/31/2023	1,911	1,987	52%
08/31/2023	1,994	1,913	50%
09/30/2023			

*Cases decided between 03/04/2022 (when the quorum was restored) through 09/30/2022 (end of Fiscal Year 2022).

Figure One

