MSPB e-filing

Elect e-filing online at e-appeal.mspb.gov

Select the e-Filing Status option

Or

Do as part of initial pleading
Quick Links

Information Sheets

a. - Jurisdiction
(10/12/2007)

b. - Initial Appeal Process
(10/12/2007)

c. - Stay Request
(10/12/2007)

d. - Probationary Employees
(10/12/2007)

e. - Discovery
(10/12/2007)

f. - Motion Practice
(10/12/2007)

g. - Military Leave (Butterbaugh) Appeals
(10/12/2007)

h. - e-Appeal
(10/12/2007)

i. - Veterans Employment Opportunities Act of 1994 (VEOA)
(11/3/2010)

j. - Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
(9/18/2008)

k. - Enforced Leave
(9/18/2008)

I. MSPB e-filing Brochure
(1/4/2012)

m. MSPB Mandated e-filing Pilot Slides
(1/4/2012)

Regulations

✓ Part 1201: MSPB Practices & Procedures
✓ Part 1203: Review of OPM Regulations
✓ Part 1208: USERRA and VEOA Appeals
✓ Part 1209: Personnel Actions Allegedly Based on Whistleblowing
New Appeal
File a New Appeal
Use this option to file a new appeal with the Board. You can also use this option to return to a saved, but unsubmitted appeal.

Original Jurisdiction
Cases
File a new case within the MSPB's original jurisdiction

TSA - Whistleblowing

Pleading
File a Pleading in an Existing Proceeding
This option includes filing a petition for review of an Initial Decision. It also includes submitting a Designation of Representative or Changes in Contact Information.

Addendum
Initiate Addendum Proceeding Following Final MSPB Decision
Use this option to file a motion for attorney's fees, motion for enforcement, motion for consequential damages or motion for compensatory damages. There must be a final Board decision in order to pursue any of these options.

e-Filing Status
View Change e-Filing Status
Use this option to register as an e-filer, or to withdraw your registration as an e-filer. If you are reporting a change in contact information, such as telephone number or address (physical or email), click the second option. File a Pleading in an Existing Proceeding.

Repository
View Case and Case Documents
Use this option to view case information and associated documents. Necessary security steps must be adhered to access the case and associated documents.

MSPB Website
Help Links
Technical Assistance
How does Electronic Filing Work?
What is a petition for enforcement?
What is the difference between an award of compensatory damages and an award of consequential damages?

MSPB Website | Privacy Act
Overview of Electronic Filing at the Merit Systems Protection Board

Most of the Board's rules governing electronic filing (e-filing) are set out in its regulation at 5 C.F.R. 1201.14. Additional information can be found in the Board's Federal Register Notice of September 27, 2004.

1. What does it mean to be an e-filer in an MSPB proceeding?
2. What must I do to engage in electronic filing?
3. Must all persons associated with a party make the same decision regarding e-filing?
4. If I register as an e-filer, will I be required to disclose my email address to other parties and their representatives?
5. What type of documents can be filed electronically?
6. Are there documents that cannot be filed or served electronically?
7. May I submit an electronic pleading via email?
8. If I am registered as an e-filer, must I file everything by electronic means?
9. Must electronic pleadings be submitted in a particular format?
10. Are there limits to the number of attachments I can submit as part of an electronic pleading?
11. Will I have the opportunity to review my pleading before I submit it to the Board?
12. If I am unable to complete a pleading while I am online, will I lose what I have created?
13. When I submit some components of a pleading electronically, and some by non-electronic means, when must I file the non-electronic components?
14. Once I have registered as an e-filer, can I change my mind?
15. How do I serve electronic pleadings on other parties?
16. If I register as an e-filer, how will I receive documents from the Board and other e-filers?
17. Will I get confirmation that my electronic pleading has been received?
MSPB e-filing

- You can start with:
  - Pleading, or
  - e-Filing Status.
MSPB e-filing

• First step is to create a user_id.
• In addition to providing a password, you will be asked to provide answers to 3 security questions, which are used for a secondary security check when accessing the repository.
MSPB e-filing

• After logging in, you will be prompted for the MSPB Docket Number.

• You will be then asked to confirm that the correct case has been selected and your identity.
Enter your Docket Number issued by MSPB

Be careful about entering the last two digits of the docket number. If your appeal has been dismissed without prejudice and reinstated, the docket number might end in I-2 or W-2 instead of I-1 or W-1. Similarly, if a case has been remanded by the Board it might end in B-1 or B-2.

The Docket Number will be listed on the first page of every Notice, Order, or Decision issued by the MSPB.
If you are the Agency Representative, the Appellant, or the Appellant’s Representative, select "Under My Own Name." If you are a paralegal or other person acting on behalf of one of the parties’ representatives, select "On Behalf of Someone Else."

- Under My Own Name
- On Behalf of Someone Else

Click here to provide feedback to MSPB.
MSPB e-filing

• The system is designed for paralegals and other support staff to access using their own id.

• They would select On Behalf of Someone Else. An email is sent to the ‘other’ advising of this access the first time it occurs.
Please select the Representative on whose behalf you are acting:

- Joseph E., Jr., Esq. - Private Attorney
  S. Fourth Street
  Louisville, KY - 40208

- None of the above

Continue
Select your E-Filer status

Do you wish to register as an E-Filer in this appeal?

Before answering, please read the following:

Registration as an E-Filer enables you to file any or all of your pleadings with the Board in electronic form. Registration also means you consent to accept service of all pleadings filed by other registered E-Filers and all documents issued by the Board in electronic form. If you elect to be served electronically, MSPB will e-mail you notification when documents are posted to the repository. If registered as an E-Filer, you may file any pleading, or portion of a pleading, by non-electronic means. You can withdraw your registration as an e-filer at any time.

- [ ] I elect to E-File
- [ ] I decline to E-File

continue
• Most times, you will be presented with the generic pleading option; where you enter the title for your pleading.

• Depending on case status the options may be restricted to specific pleadings.
Title - Other Non-PFR Pleading

1. Enter a brief title for your pleading. *(Response Required)*

Other Non-PFR Pleading

(max 100 chars)

TRACE: 11.85569.43.388

Continue
MSPB e-filing

• You are then prompted to select whether you want to upload your pleading or enter it on-line.
• Upload is best for any substantive pleading.
• On-line for short replies to orders or another pleading.
Pleading - Other Non-PFR Pleading

1. Would you like to enter the text online or upload a file containing the pleading? (Response Required)
   - [ ] Upload
   - [ ] Enter Online

TRACE: 11.85569.35.389

Continue
• For the enter on-line option you receive a text box for typing up to 4000 characters but often less as italics indents, etc count as characters.

• Some pleadings such as Petition for Review have a series of questions.
Pleading - Other Non-PFR Pleading

2. Please enter text of your pleading. **(Response Required)**

(max 4000 chars)

TRACE: 11.85569.35.390
MSPB e-filing

- Either option will allow you to add attachments later in the process.
- Upload is best with word processing or pdf documents but will accept a range of file formats.
- Do not include electronic signatures
- Do not include oversize images
Pleading Text Upload

Please select a file containing the text of your pleading, then click Continue button. See help links for additional guidance.

Note: Agency Files and other pleadings which contain more than 3 documents must be bookmarked soo § C.F.R. § 1201.14 (g)(3).

[Browse]

☐ Is this a continuation of multi-part pleading? (Check only if you already submitted a part of this pleading).

☐ Does the uploaded file contain multiple documents? (Check if the uploaded file contains more than 3 documents and has not been bookmarked).

[Back] [Continue]
• Once you have selected your file for upload, need to decide whether either of the 2 check boxes are applicable:
  • Continuation of prior pleading, or
  • More than 3 documents are contained in the uploaded file.
Pleading Text Upload

Please select a file containing the text of your pleading, then click Continue button. See help links for additional guidance.

Note: Agency Files and other pleadings which contain more than 3 documents must be bookmarked see 5 C.F.R. § 1201.14 (g)(3).

☐ Is this a continuation of multi-part pleading? (Check only if you already submitted a part of this pleading).

☐ Does the uploaded file contain multiple documents? (Check if the uploaded file contains more than 3 documents and has not been bookmarked).

[Select file] Browse...

Back Continue
• Check the continuation box, if this is additional part to the prior pleading.
• This is most often used when uploading an agency file or other large submission where total file size exceeds 10 MB.
MSPB e-filing

- When using the continuation option, the pleading title should identify it as a part; for example: Agency File – Part 2 or the more descriptive; Agency File – Part 2 Tabs m – p.
Pleading Text Upload

Please select a file containing the text of your pleading, then click Continue button. See help links for additional guidance.

Note: Agency Files and other pleadings which contain more than 3 documents must be bookmarked see 5 C.F.R. § 1201.14 (g)(3).

[Radio button] Is this a continuation of multi-part pleading? (Check only if you already submitted a part of this pleading).

[Radio button] Does the uploaded file contain multiple documents? (Check if the uploaded file contains more than 3 documents and has not been bookmarked).
If the file contains more than 3 documents and bookmarks were not inserted into the file, then check the second box, and you will be provided prompts to identify on which page of your file the various documents begin.
### Document Titles for Uploaded File

Enter the page ranges and titles of the documents that are included in the uploaded file.

<table>
<thead>
<tr>
<th>Page#</th>
<th>Document Name / Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• Enter the page number, a description of the document, then click ADD.

• You will then be given a prompt for the next document.

• Once you have entered all the documents, click Continue.
• You will see a confirmation of the ‘bookmarks’ to be added.
• Then a confirmation of the file uploaded.
• Continue through the Declaration of Facts and Penalty of Perjury prompts.
U.S. MSPB  Merit Systems Protection Board

e-Appeal Online

Attachments

This page lists the attached documents to your pleading and allows you to attach additional documents. Note that the total size of all attachments submitted and your pleading must be less than 10Mb. If the total size of the files you want to attach exceeds this limit, your pleading cannot be processed. You may reduce the number of files attached to the pleading or change the delivery format in order to remain below the file size limitation.

No Attachments

Is there any additional documentation you would like to submit in support of the pleading?

- Yes
- No

Help Links

Attachment Submission Options

Acceptable File Formats for Attachments

When should I check the, is this a continuation of a multi-part pleading box?

How to Identify Attachments in an Pleading?
• You will be asked if you have additional attachments.
• You may upload as many attachments as you would like, within the total pleading file size of 10 MB.
• With attachments like main pleading, if more than 3 documents in the attachment and not bookmarked, use the check box so you can add online.
The page lists the attached documents to your pleading and allows you to attach additional documents. Note that the total size of all attachments submitted and your pleading must be less than 10Mb. If the total size of the files you want to attach exceeds this limit, your pleading cannot be processed. You may reduce the number of files attached to the pleading or change the delivery format in order to remain below the file size limitation.

<table>
<thead>
<tr>
<th>#</th>
<th>Title</th>
<th>Format</th>
<th>Delete</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Attachment 1</td>
<td>Uploaded</td>
<td>✔️</td>
</tr>
</tbody>
</table>

File Name: H:\Sample Agency File.pdf

Is there any additional documentation you would like to submit in support of the pleading?

- [ ] Yes
- [ ] No
New Attachment

This page allows you to attach additional documents that support your pleading. Note that the total size of all attachments submitted and your pleading must be less than 10Mb. If the total size of the files you want to attach exceeds this limit, your pleading cannot be processed. You may reduce the number of files attached to the pleading or change the delivery format in order to remain below the file size limitation.

Document Title

Delivery Format: Uploaded

Select the file to be uploaded

[ ] Does the uploaded file contain multiple documents? (Check only if you want to enter titles for each of the documents in the file).

[Back] [Continue]
• If you have an attachment, which cannot be uploaded, you may include a reference in your pleading by making an entry on the attachment page, with paper as the upload option, you will then need to send copy to MSPB and other parties.
The attachment file could not be uploaded to MSPB because the size of the completed PDF file will be over 10 MB. Please submit your attachment via alternate means or upload the attachment file with a smaller size.
• The pleading will be validated after attachment processing. If errors you will be prompted to correct.
• Otherwise, the Certificate of Service prompts will begin.
• If there are parties to be served by traditional means, you will be asked to enter service method.
Service Information

Please identify the delivery method used to send the assembled pleading to each person in the case party list who is not e-filing, and the additional paper documents to each person in the case party list and to the Board.

MSPB OFFICE

- Sharon S.  
- Melissa L.

US Postal Mail

- Select
Service Information

I agree to send all additional paper documents to pleading parties and the Board, and also assemble pleading to non-eFilers by the end of next business day as stated.

Continue
• The final submission page will display after completion of the service prompts.

• There are 3 options:
  • Print/Review draft
  • Final Submission
  • Save and Do Not Submit.
Pleading Submission Options

Your pleading has successfully validated. Please select one of the following three options:

Print Draft Copy for Review

Print Draft: Use this option to review your answers in printed copy before final submission.

Final Submission

On-Line Submission: Once you are sure that your pleading is ready for submission use this option to immediately deliver your pleading to MSPB. Once you submit your pleading, you will not be able to update or correct any data online. Corrections will have to be sent to the MSPB office to which the pleading was submitted. You will be able to print a copy for your records and receive a checklist of attachments at the end of this process.

Save and Do Not Submit

Save: Use this option if you are not ready to submit your pleading at this time. Your e-appeal will be saved for 90 days, during which time you can return, update and submit.

Back
• Print Draft Copy for Review will open the pleading as a PDF file for your review.

• You should NOT print this copy for serving others, as it is still a DRAFT.
• Save and Do Not Submit – allows for you to place the submission on hold. When you next log on provide the docket number for this case. You will be asked if you want to resume this pleading.
Submission Confirmation

Your pleading has been successfully submitted. Please select one of the following three options, or exit the application from the menu on the left.

Filer's Logon Name: [REDACTED]
Filer's Name: Joseph [REDACTED] Esq.
Submission Date: 11/30/2011 11:01 AM
Confirmation Number: 1515467879
Pleading Number: 2011000281
MSPB Office: Office of the Clerk of the Board

ATTENTION: e-Appeal process has changed, there may be a 30 minute delay between submission and appearance in the repository.

Note: NEW Options available for additional pleadings; see toolbar above.

- Print Confirmation Details
- Print Submitted Pleading
- Comments on e-Appeal
MSPB e-filing

- After receiving the confirmation page, print a copy of the file or save to your computer.
- If you need to serve other party with paper copy, print the document now. It will contain MSPB page footer with page numbers.
JOHN [redacted] v. OFFICE OF PERSONNEL MANAGEMENT
Docket # CH-0831-11-[redacted]-1
Response to Appellant's Petition for Review dated 11/30/2011
Summary Page

Case Title: JOHN [redacted] v. OFFICE OF PERSONNEL MANAGEMENT

Docket Number: CH-0831-11-[redacted]-1

Pleading Title: Response to Appellant's Petition for Review dated 11/30/2011

Filer's Name: [redacted]

Filer's Pleading Role: Agency Representative
Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB only.

<table>
<thead>
<tr>
<th>Name &amp; Address</th>
<th>Documents</th>
<th>Method of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSPB: Office of the Clerk of the</td>
<td>Response to Appellant's</td>
<td>e-Appeal / e-Mail</td>
</tr>
</tbody>
</table>
Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB only.

<table>
<thead>
<tr>
<th>Name &amp; Address</th>
<th>Documents</th>
<th>Method of Service</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>Name &amp; Address</th>
<th>Documents</th>
<th>Method of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>[REDACTED] MI 48138 USA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MSPB e-filing
• Note the options on the blue toolbar.
  • You may submit another pleading in this case, or
  • You may submit a pleading in another case.
• Using these options allows you to proceed without entering user_id and password again.
• Submission of pleadings and MSPB distribution of documents generate an email notice to the user with a link to the e-appeal Repository.

• Using the link, passes the docket number without asking you to type it. However, you may always go directly to the Repository option on e-appeal.mspb.gov and log in.
• Generally, documents will post to the Repository within an hour. However if MSPB is experiencing peak demand the time can be longer.
• In addition, there are documents which require manual processing and these may not appear until the next business day.
• When accessing the Repository, you will be asked one of your security questions.
• Be careful to select the correct role when logging on.
• You will have to attest to your identity.
### Case View

ATTENTION: e-Appeal process has changed, there may be a 30 minute delay between submission and appearance in the repository.

**Title:** SHARON S. SIMON v. DEPARTMENT OF COMMERCE

**Case Status:** Headquarters Pending

**Docket:** CH-0000-08-0336-I-1

**Submitted by** | **Date Issued/Received**
--- | ---
Appellant | 11/30/2011
APPPELLANT | 11/28/2011
Appellant | 3/23/2010

#### Petition for Review

<table>
<thead>
<tr>
<th>Tab</th>
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<th>Submitted by</th>
<th>Date Issued/Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Download/View</td>
<td>OTHER NON-PFR PLEADING</td>
<td>APPPELLANT</td>
<td>11/30/2011</td>
</tr>
<tr>
<td>3</td>
<td>Download/View</td>
<td>CHANGE OF E-FILING STATUS</td>
<td>APPPELLANT</td>
<td>11/28/2011</td>
</tr>
<tr>
<td>2</td>
<td>Download/View</td>
<td>Submission of Settlement Agreement</td>
<td>Appellant</td>
<td>3/23/2010</td>
</tr>
<tr>
<td>1</td>
<td>Download/View</td>
<td>Petition for Review</td>
<td>Appellant</td>
<td>10/14/2008</td>
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</table>

#### Initial Appeal File

<table>
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<th>Doc Info.</th>
<th>Submitted by</th>
<th>Date Issued/Received</th>
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<tr>
<td>11</td>
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<td>Notice of Additional Attorney Appearing at Hearing</td>
<td>Agency</td>
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<td>10</td>
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<td>Motion to Dismiss for Failure to Prosecute</td>
<td>Agency</td>
<td>8/18/2008</td>
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<tr>
<td>9</td>
<td></td>
<td>Prehearing Submissions</td>
<td>Agency</td>
<td>8/11/2008</td>
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<tr>
<td>8</td>
<td></td>
<td>2nd Motion to Continue Hearing Date</td>
<td>Agency</td>
<td>8/4/2008</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Request for Ruling on Motion to Dismiss</td>
<td>Agency</td>
<td>6/6/2008</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Motion to Dismiss for Failure to Prosecute or in the Alternative Motion for Sanctions</td>
<td>Agency</td>
<td>4/25/2008</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Motion to Continue Hearing</td>
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<td>4/22/2008</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Motion to Compel</td>
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<td>4/7/2008</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Designation of Representative/Response File</td>
<td>Agency</td>
<td>2/26/2009</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Designation of Representative</td>
<td>Appellant</td>
<td>2/15/2009</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>Initial Appeal</td>
<td>Appellant</td>
<td>2/4/2008</td>
</tr>
</tbody>
</table>
• In the Repository – any document which is available in electronic format can be viewed and/or printed.
• If there is no download/view option shown, there is no electronic copy of the document. It was received in hardcopy and has not been scanned.
Select your Role on the Case.

Role (Response Required)
- Appellant Representative
- Agency Representative
- Relators

If you do not see the appropriate role please click here to submit a request to MSPB.
I hereby declare, under penalty of perjury under the laws of the United States of America, that my assertions regarding my identity and the nature of my participation in this MSPB proceeding are true and correct.
• When in the Repository, you may go directly to pleading submission on this case by using the File A Pleading option on the blue toolbar.

• You may also access pleadings in another case from the blue toolbar.
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MSPB e-filing

- A sample of the properly bookmarked agency file is under FAQs on web site at https://e-appeal.mspb.gov/Images/AgencyFileSample.jpg
Table of Contents

Uploaded Pleading Text Document

Pleading Interview

Agency File-Table of Contents
AF Tab 1- Agency’s Narrative Response, 12/22/11
AF Tab 2-Agency’s Statement on Collective Bargaining, 12/22/11
AF Tab 3-Statement from Office of Civil Rights on Formal Complaint, 12/22/11
AF Tab 4a-Notice of Decision on Indef. Susp., 10/26/11
AF Tab 4b-Notice of Proposed Indef. Susp., 10/05/11
AF Tab 4c-Notice of Access Suspension to Appellant, 10/05/11
AF Tab 4d-Notice of Access Suspension to Dallas FAM Office, 09/28/11
AF Tab 4e-TSA MD 1100.75-3, Addressing Unacceptable Performance and Conduct, 06/08/11
AF Tab 4f-TSA MD 1100.63-3, Employee Representation, 06/08/11
AF Tab 4g-TSA MD 1100.55-10, Back Pay, 03/30/09
AF Tab 4h-Handbook to TSA MD 1100.75-3
AF Tab 4i-TSA MD 1100.88-1, Law Enforcement Position Standards and Hiring Requirements, 05/07/07
AF Tab 4j-Delegation Order on Personnel Management Authority, 05/22/03
AF Tab 4k-Appellant’s Conditions of Employment, 07/29/02
AF Tab 4l-Appellant’s Appointment SF-50
AF Tab 5-Certificate of Service, 12/22/11

Certificate of Service
Not Properly Bookmarked
Known Issues

• Some pleadings may not post as quickly as others into repository – if you have a confirmation do NOT resubmit.
• Do not include electronic signatures.
• PDFs from Konica Minolta scanners – pages assemble as blank pages.
• Do not include oversized pages.
MSPB e-filing

- For tech support call:
  - 202-653-8878  8 AM – 5 PM
  - Eastern Standard Time
  - on business days.