

<b>Section</b>	<b>Comments</b>
1200.4(b)	This section permits the MSPB to make decisions on petitions for rule making without any public procedures. This appears to be contrary to the concept of transparency in operations.
1201.21	Creates multiple additional notice requirements for Agencies. Is the MSPB going to provide recommended language that will satisfy these proposed requirements?
1201.24	<p>Reduces burden on appellant to produce only the Notice of proposed action, the decision, and an SF-50, if available.</p> <p>The revised language specifically precludes the appellant from submitting additional information which may be relevant.</p>
1201.29	Discussion part of notice names this section “Dismissal With Prejudice,” however the amended regulation section titles it “Dismissal Without Prejudice.”
1201.33	<p>Add restrictions on the costs for depositions that can be imposed upon the agency.</p> <p>If a judge orders an employee of another agency to appear, the witness’ owning agency should be responsible for compliance with the judge’s order, not the appellant’s agency, which may have no authority over employees from other federal agencies.</p> <p style="text-align: center;"><u>Questions</u></p> <ol style="list-style-type: none"> <li>1. How is the responding agency responsible for producing witnesses from other agencies?</li> <li>2. Which Agency bears the financial burden of ensuring witnesses from other federal agencies appear as ordered?</li> </ol>
1201.51	Based on reasoning given in the discussion language, changes to this section seemed to be aimed at saving the MSPB travel expenses. A reduction in the number of approved hearing sites or ability to change approved hearing sites without notice and comment can have a significantly larger adverse impact on agency

U.S. Department of Transportation (DOT)  
Comments on Revisions to MSPB Proposed Rules  
Due: July 23, 2012

	financial resources. Likely the agency representative, a technical representative, and a number of witnesses will be travel on behalf of the agency, as opposed to the expenses for one MSPB representative. Therefore, any savings realized by the MSPB will be more than lost by the agency.
1201.53	The revised language permits the MSPB to require an Agency to pay for a transcript, whether the Agency wishes to obtain one or not. This increases the cost of proceedings to the Agency.
1201.113	The new language places no restriction on the timeframe for a final decision.
1201.116 (g)	Concerns that the appellant may be granted full interim relief although he/she is <u>not</u> the prevailing party in the final Board order.
1201.118	New language allows the Board to reopen a case on its own without any time limits for this action to occur.