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MSPB REVISING ITS ADJUDICATORY REGULATIONS

The [U.S. Merit Systems Protection Board \(MSPB\)](#) is planning a comprehensive revision of its adjudicatory regulations in 5 C.F.R. Parts [1200](#), [1201](#), [1208](#), and [1209](#). This will take the form of notice-and-comment rulemaking via the Federal Register, as required by the Administrative Procedure Act, [5 U.S.C. § 553](#). We expect that final rules will be issued this fall. The unprecedented review marks the first significant reconsideration of MSPB's regulations since the agency's establishment in 1979.

This initiative began in January 2011 with the solicitation of suggestions for revisions from MSPB staff. Subsequently, an internal MSPB working group completed an in-depth review of the regulations, considered the suggestions received from staff, and identified a number of proposed changes. In accordance with the public participation requirement in [Executive Order 13563](#), "Improving Regulation and Regulatory Review," the Board Members then sought written input on the working group recommendations from over 30 stakeholder agencies, organizations, and individuals.

Written comments were received from 15 stakeholders, who were invited to make additional comments at an in-person meeting with MSPB staff on March 6, 2012.

The MSPB working group is now in the process of reviewing the 80 pages of written comments and the transcript of the one-hour meeting. This review will result in a Notice of Proposed Rulemaking to be published in the Federal Register on or about June 1, 2012.

Chairman Susan Grundmann stated, "This is a watershed event for MSPB. We knew MSPB staff and our external stakeholders would have good ideas about improving the adjudicatory process for all participants. We are taking those suggestions into account in order to better serve everyone going forward."

Relevant documents are posted on MSPB's website at www.mspb.gov/regulatoryreview.

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.

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