

Our comment regarding subject proposed rule is the following:

PAGE	PROVISION	COMMENT	RECOMMENDATION
18660	Proposed 5 C.F.R. § 1201.57(c)	Timeliness and jurisdiction are not always inextricably intertwined. Consequently, we believe that the Appellant is required to do more than make a nonfrivolous allegation that the appeal was timely filed – i.e. the preponderance of the evidence standard should apply to timeliness issues.	Please replace first part with the following text: “Except for matters described in paragraphs (b)(1), (2), and (3) of this section....”

Thank you for the opportunity to review and comment.

Respectfully,
Carmen Livoti
Senior Labor & Employee Relations Advisor
MGMT/OCHCO/ HCPP
U.S. Department of Homeland Security