

William D. Spencer, Clerk of the Board
Merit Systems Protection Board
1615 M Street NW
Washington DC 20419

Dear Mr. Spencer:

This is in response to the request for comments solicitation contained in Federal Register Notice Volume 78, Number 217, dated November 8, 2013, regarding revising regulations governing how jurisdiction is established over Merit Systems Protection Board (MSPB) appeals.

The Department of Veterans Affairs, Office of Human Resources Management, Employee Relations and Performance Management Service, reviewed Options A, B, C, and D as outlined in the Federal Register, and we would like to express support for Option C. The primary modifications presented in this option supports adjudicatory efficiency and codifies Agency and Board resources. Further, identifying the “who” and “what” elements makes for a simpler jurisdictional determination.

However, in our support of Option C, we would also like to encourage the Board to consider a somewhat hybrid approach by incorporating some of the elements of Option B. Specifically, the proposed additions to, and consolidation of, all definitions in 1201.4 is much preferred to the presentation of definitions within the regulatory text. A single location to find a term’s meaning makes interpretation and application simpler. If there is concern that a specific definition is necessary to fully understand a particular regulatory provision, a superscript or footnote could be used to refer the reader back to the definitions paragraph.

Additionally, we would suggest that the table included in the discussion portion of Option C, entitled “Elements/Issues in MSPB Appeals,” be included as a tool on the MSPB website.

Thank you for the opportunity to provide comments regarding the proposed revisions to MSPB regulations.

Larry Ables
Director, Employee Relations || OHRM
U.S. Department of Veterans Affairs