

Mr. Spencer:

I am writing on behalf of the Department of the Treasury, Office of the General Counsel, General Law, Ethics and Regulation, to provide this office's position on the Merit Systems Protection Board's Proposed Rule published at 79 FR 18658. We are generally supportive of the changes to the regulations contained in the proposed rule. However, we continue to recommend that the Board also include a procedure under which the MSPB would not be required to hold an evidentiary hearing on matters on which the appellant bears the burden of proof when there is no genuine issue of material fact to be resolved. Such a procedure was included in Option C of the four alternative regulatory changes that the MSPB published for public comment on November 8, 2013.

Thank you for considering our views in this matter.

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