UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WESTERN REGIONAL OFFICE

DEBRA TAO,
Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,
Agency.

DOCKET NUMBER
SF-1221-19-0147-W-1

DATE: February 11, 2020

Daniel Maharaj, Esquire, Tampa, Florida, for the appellant.

Andrea Carroll-Tipton, Los Angeles, California, for the agency.

Andrew Quinio, Los Angeles, California, for the agency.

BEFORE
Franklin M. Kang
Administrative Judge

INITIAL DECISION

INTRODUCTION

The appellant filed an individual right of action (IRA) appeal with the Board alleging that her employing agency engaged in unlawful actions. Initial Appeal File (IAF), Tab 1. For the reasons discussed below, this appeal is DISMISSED for lack of Board jurisdiction without the requested hearing.

ANALYSIS AND FINDINGS

Background and Evidence

The appellant identifies herself as a GS-660-13 Pharmacist, with duties in Los Angeles, California. IAF, Tab 1. Through her petition, the appellant states

that she was subjected to a proposed adverse action; low performance appraisal and/or award related decision; and a significant change in duties. *Id*. at 6. The appellant reported to the Office of Special Counsel (OSC) that she was also suspended in July 2017. *Id*. at 91; IAF, Tab 6 at 148.

Following the issuance of a preliminary closing letter, OSC issued its closing letter on October 11, 2018, conveying the appellant's right to file this IRA. *Id*. Through detailed Orders, the appellant was informed that the Board may not have jurisdiction over this matter, and required her to more fully explain her claims. IAF, Tabs 3, 5. The appellant responded by asserting that she made a variety of protected disclosures. IAF, Tab 6. The appellant argues: 1) on June 20, 2017, she "concurred" with Administrative Officer Elizabeth Luevano's June 20, 2017 email to Chief of Staff Scotte Hartronft and Human Resources (HR) "Officials" conveying that acting Chief of Pharmacy Yusef Dawoodbhai abused his authority by engaging in unspecified "inappropriate abusive treatment" as set forth in the referenced email. *Id*. at 42, 52. While not set forth within the specified June 20, 2017 email cited as the first disclosure, the appellant informed OSC that Dawoodbhai yelled at her, pointed his fingers, threatened discipline, and improperly called her a senior manager. *Id*. at 42, 141 (appellant's submission showing that during the referenced timeframe, she had been a pharmacy service manager since 2003). The appellant next asserts that on 2) June 26, 2017, she wrote a letter to a U.S. Senator complaining that Dawoodbhai, Hartronft, and HR officials were acting improperly towards her, improperly detailing Dawoodbhai without competition, improperly detailing Dawoodbhai's spouse to a supervisory HR position creating an "improper alliance between the two services" as set forth in the record; 3) July 13, 2017, she informed the agency's Office of Accountability and Whistleblower Protection that Dawoodbhai and Hartronft were improperly disciplining and otherwise taking action against employees that management had not previously addressed; 4) August 15, 2017, she disclosed to the Federal Labor Relations Authority (FLRA), through a claim

of unfair labor practice (ULP), that the agency improperly "stated that I was a manager" through an "amended detail letter" even though she has been detailed to a staff pharmacist position, away from her manager position "in order that I cannot seek Union assistance" as set forth in the record; 5) November 13, 2017, she informed the OSC Disclosure Unit that Dawoodbhai was improperly disciplining employees; 6) January 6, 2018, she testified in support of Luevano's request for a restraining order against Dawoodbhai arising from Luevano's equal employment opportunity (EEO) claim of sexual harassment, in a local court proceeding; and 7) February 5 and 21, 2018, she disclosed to a Board administrative judge that management was improperly disciplining employees. *Id*. at 42, 43, 49, 63, 148. The agency noted that the appellant has filed two formal EEO discrimination complaints. IAF, Tab 8. Although a hearing was initially scheduled in this appeal, it was subsequently vacated. IAF, Tab 26.

Jurisdiction

The Board does not have jurisdiction over all agency actions that are alleged to be incorrect. *See, e.g., Preece v. Department of the Army*, 50 M.S.P.R. 222, 226 (1991); *Hipona v. Department of the Army*, 39 M.S.P.R. 522, 525 (1989). Further, merit system principles are intended to furnish guidelines to Federal agencies; they do not constitute an independent basis for appeal. *Neal v. Department of Health & Human Services*, 46 M.S.P.R. 26, 28 (1990). The appellant bears the burden of proving that the Board has jurisdiction over this appeal. 5 C.F.R. § 1201.56.

The Board has jurisdiction over an IRA appeal if the appellant has exhausted his or her administrative remedies before OSC and makes nonfrivolous allegations that he or she engaged in whistleblowing activity by making a protected disclosure; and the disclosure was a contributing factor in the agency's decision to take or fail to take a personnel action. *Yunus v. Department of Veterans Affairs*, 242 F.3d 1367, 1371 (Fed. Cir. 2001).

The Whistleblower Protection Act prohibits government personnel actions taken against an employee in reprisal for whistleblowing. 5 U.S.C. § 2302(b)(8); *Mintzmyer v. Department of the Interior*, 84 F.3d 419, 422 (Fed. Cir. 1996). Except where an independent right to appeal an adverse personnel action directly to the Board exists, an employee or former employee aggrieved by a personnel action must first seek corrective action from OSC. *Id*. Only after OSC has notified the employee or former employee that it has terminated its investigation, or has failed to commit to pursuing corrective action within 120 days, may that person file an IRA appeal under 5 U.S.C. § 1221 with the Board. 5 U.S.C. § 1214(a)(3); *Mintzmyer*, 84 F.3d at 422.

To satisfy this IRA exhaustion requirement, an appellant must inform OSC of the precise ground of his or her charge of whistleblowing, so OSC has a sufficient basis to pursue an investigation which might lead to corrective action. Further, once the OSC process has terminated and the appellant has filed his or her Board IRA appeal, the Board will consider only those matters that the appellant asserted before OSC, and it will not consider any subsequent recharacterization of those charges put forth by the appellant in his or her appeal to the Board. *See Ward v. Merit Systems Protection Board*, 981 F.2d 521, 526 (Fed. Cir. 1992); *D'Elia v. Department of the Treasury*, 60 M.S.P.R. 226, 231-32 (1993), *modified in part by Thomas v. Department of the Treasury*, 77 M.S.P.R. 224 (1998). The test of the sufficiency of an employee's charges of whistleblowing to OSC is the statement that he or she makes in the complaint requesting corrective action, not his or her *post hoc* characterization of those statements. *Ellison v. Merit Systems Protection Board*, 7 F.3d 1031, 1036 (Fed. Cir. 1993). In this case, the appellant's submissions reflect that the appellant's disclosures consisted primarily of her objection to Dawoodbhai's actions as set forth in detail above. IAF, Tabs 1, 6.

A disclosure is protected under 5 U.S.C. § 2302(b)(8) if the appellant shows that he or she reasonably believed that the disclosed information evidenced a violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety. To establish that he or she had a reasonable belief that a disclosure met the criteria of 5 U.S.C. § 2302(b)(8), the appellant need not prove that the condition disclosed actually established any of the situations detailed under 5 U.S.C. § 2302(b)(8)(A); rather, he or she must show that the matter disclosed was one which a reasonable person in his or her position would believe evidenced one of the situations specified in section 2302(b)(8)(A). *See, e.g., Juffer v. U.S. Information Agency*, 80 M.S.P.R. 81, ¶ 10 (1998). Under the Whistleblower Protection Enhancement Act of 2012, a disclosure is not excluded from protection because it was made to a supervisor, a person who participated in the activity that is being disclosed, or because the information was previously disclosed. Similarly, it is not excluded because it is made during the normal course of duties if an authorized employee took or threatened a personnel action in reprisal for the disclosure.

In determining whether the appellant's disclosures are "protected" under the statute, as stated above, the Board will review his or her characterization of his or her disclosures to OSC, not a *post hoc* characterization of those statements. *Ellison*, 7 F.3d at 1036. Moreover, while the Board has rejected the requirement that an appellant correctly label which category in 5 U.S.C. § 2302(b)(8) he or she is alleging his or her disclosure implicated, the appellant must still give OSC information that is sufficient to pursue an investigation that might lead to corrective action. *Thomas*, 77 M.S.P.R. 224, 236-37, *overruled on other grounds, Ganski v. Department of the Interior*, 86 M.S.P.R. 32, 37 (2000).

The appellant alleges that she was the victim of EEO discrimination and retaliation as set forth above, specifying through the sixth assertion that she testified in support of her coworker's claim of sexual harassment. IAF, Tab 6. The appellant also argues that she testified in a Board proceeding in support of a coworker appealing a disciplinary action as set forth in the seventh assertion. *Id*. Reporting EEO discrimination and filing EEO-related complaints do not constitute protected disclosures. *See, e.g., Spruill v. Merit Systems Protection Board,* 978 F.2d 679 (Fed. Cir. 1992). The Board has stated that disclosures that are limited to certain EEO matters covered under 5 U.S.C. § 2302(b)(1) and (b)(9), are excluded from coverage under section 2302(b)(8). Here, while the appellant challenged the agency's position on these issues, there is little in the appellant's submissions to suggest that the sixth and seventh disclosures involved a protected whistleblowing disclosure. *Id*.; *Applewhite v. Equal Employment Opportunity Commission*, 94 M.S.P.R. 300 (2003). Within the context of the first and third disclosures set forth above, the appellant argues that as a long term "Fully Satisfactory" or better pharmacy manager at that time, Dawoodbhai should not have threatened her with discipline, yelled at her, or referred to her as a senior manager. IAF, Tab 6. While I have no reason to doubt that she complained about these matters and objected to the discipline within the seventh assertion, there is little within these disclosures to indicate that a reasonable person in his or her position would believe that the disclosures evidenced a violation of a law, rule, or regulation for the purposes of an IRA. *Id*. Moreover, while the appellant may have disagreed with the agency's decision to detail Dawoodbhai and his spouse to different offices as set forth above; disagreed with the agency's decision to discipline her and other long term employees; and disagreed with the agency's conclusion that a manager detailed to a non-management position retains her permanent position as set forth through the second, fourth, and fifth disclosures, the appellant fails to nonfrivolously allege facts that would show that the disclosed matters were ones that a reasonable

person in his or her position would believe evidenced a violation of a law, rule, or regulation for the purposes of an IRA. *See id.; Gryder v. Department of Transportation*, 100 M.S.P.R. 564, 569 (2005).

Although the appellant conveys her objection to and disagreement with the agency's disciplinary and detailing decisions as set forth more fully above, the appellant fails to nonfrivolously allege that she had a reasonable belief that the information conveyed as described above evidenced "gross mismanagement," which is defined as a management action or inaction which creates a substantial risk of significant adverse impact upon the agency's ability to accomplish its mission. *See White v. Department of the Air Force*, 63 M.S.P.R. 90, 95 (1994). To be termed "gross mismanagement," the employee must disclose "such serious errors by the agency that a conclusion the agency erred is not debatable among reasonable people," and the matter that is the subject of the disclosure must be "significant." *White v. Department of the Air Force*, 391 F.3d 1377, 1382 (Fed. Cir. 2004). While the appellant objects to Dawoodbhai's actions as an acting manager, objects to the agency's decision to detail Dawoodbhai and his spouse to different departments, and believes that she is entitled to file a ULP with the FLRA as a bargaining unit employee, conveying these claims as set forth above cannot be construed as an attempt to report any action that had a "significant risk of substantial adverse impact" on the agency's ability to accomplish its mission. Similarly, notwithstanding her disagreements with management including Hartronft and Dawoodbhai, the appellant fails to nonfrivolously allege that she had a reasonable belief that the information conveyed as described above evidenced an abuse of authority as that term has been defined by the Board. *See Wheeler v. Department of Veterans Affairs*, 88 M.S.P.R. 236, 241, ¶ 13 (2001); *McCorcle v. Department of Agriculture*, 98 M.S.P.R. 363, 374 (2005). Further, the appellant's disclosures are insufficient to constitute a disclosure of a substantial and specific danger to public health or safety. *See Wojcicki v. Department of the Air Force*, 72 M.S.P.R. 628, 634 (1996). Additionally, none of

the appellant's alleged disclosures described a danger that was sufficiently substantial and specific. *See id.*

To the extent the appellant argues that his disclosure involved a gross waste of funds, a gross waste of funds is defined as a more than debatable expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to the government. *See, e.g., Van Ee v. Environmental Protection Agency*, 64 M.S.P.R. 693, 698 (1994). Here, there is little in the record to support such a conclusion. Thus, I find that the appellant fails to make nonfrivolous allegations that she engaged in whistleblowing activities by disclosing information evincing a gross waste of funds. *See, e.g., Van Ee*, 64 M.S.P.R. at 698 (1994).

For the reasons set forth above, I conclude that the appellant has not made a nonfrivolous allegation that she made a protected disclosure. *See id.; Harvey v. Department of the Navy*, 92 M.S.P.R. 51, ¶ 9 (2002). While the appellant disagreed with the actions of agency officials, I find that the appellant has not made a nonfrivolous allegation that these reported matters were protected disclosures. *See, e.g., Gryder*, 100 M.S.P.R. 564; *McCorcle*, 98 M.S.P.R. 363. The appellant has therefore failed to show that IRA jurisdiction exists.

There is no law, rule, or regulation which provides an individual with a direct right of appeal to the Board on any of the matters raised in this appeal, and the appellant has failed to nonfrivolously allege Board jurisdiction on any basis. Thus, while the appellant may have been dissatisfied with her superiors, the appellant fails to meet her burden of nonfrivolously alleging Board jurisdiction over these matters on any basis.

DECISION

The appeal is DISMISSED.

FOR THE BOARD: /S/
Franklin M. Kang
Administrative Judge

NOTICE TO APPELLANT

This initial decision will become final on **March 17, 2020**, unless a petition for review is filed by that date. This is an important date because it is usually the last day on which you can file a petition for review with the Board. However, if you prove that you received this initial decision more than 5 days after the date of issuance, you may file a petition for review within 30 days after the date you actually receive the initial decision. If you are represented, the 30-day period begins to run upon either your receipt of the initial decision or its receipt by your representative, whichever comes first. You must establish the date on which you or your representative received it. The date on which the initial decision becomes final also controls when you can file a petition for review with one of the authorities discussed in the "Notice of Appeal Rights" section, below. The paragraphs that follow tell you how and when to file with the Board or one of those authorities. These instructions are important because if you wish to file a petition, you must file it within the proper time period.

BOARD REVIEW

You may request Board review of this initial decision by filing a petition for review.

If the other party has already filed a timely petition for review, you may file a cross petition for review. Your petition or cross petition for review must state your objections to the initial decision, supported by references to applicable laws, regulations, and the record. You must file it with:

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

A petition or cross petition for review may be filed by mail, facsimile (fax), personal or commercial delivery, or electronic filing. A petition submitted by electronic filing must comply with the requirements of 5 C.F.R. § 1201.14, and may only be accomplished at the Board's e-Appeal website (https://e-appeal.mspb.gov).

NOTICE OF LACK OF QUORUM

The Merit Systems Protection Board ordinarily is composed of three members, 5 U.S.C. § 1201, but currently there are no members in place. Because a majority vote of the Board is required to decide a case, *see* 5 C.F.R. § 1200.3(a), (e), the Board is unable to issue decisions on petitions for review filed with it at this time. *See* 5 U.S.C. § 1203. Thus, while parties may continue to file petitions for review during this period, no decisions will be issued until at least two members are appointed by the President and confirmed by the Senate. The lack of a quorum does not serve to extend the time limit for filing a petition or cross petition. Any party who files such a petition must comply with the time limits specified herein.

For alternative review options, please consult the section below titled "Notice of Appeal Rights," which sets forth other review options.

Criteria for Granting a Petition or Cross Petition for Review

Pursuant to 5 C.F.R. § 1201.115, the Board normally will consider only issues raised in a timely filed petition or cross petition for review. Situations in which the Board may grant a petition or cross petition for review include, but are not limited to, a showing that:

(a) The initial decision contains erroneous findings of material fact. (1) Any alleged factual error must be material, meaning of sufficient weight to

warrant an outcome different from that of the initial decision. (2) A petitioner who alleges that the judge made erroneous findings of material fact must explain why the challenged factual determination is incorrect and identify specific evidence in the record that demonstrates the error. In reviewing a claim of an erroneous finding of fact, the Board will give deference to an administrative judge's credibility determinations when they are based, explicitly or implicitly, on the observation of the demeanor of witnesses testifying at a hearing.

(b) The initial decision is based on an erroneous interpretation of statute or regulation or the erroneous application of the law to the facts of the case. The petitioner must explain how the error affected the outcome of the case.

(c) The judge's rulings during either the course of the appeal or the initial decision were not consistent with required procedures or involved an abuse of discretion, and the resulting error affected the outcome of the case.

(d) New and material evidence or legal argument is available that, despite the petitioner's due diligence, was not available when the record closed. To constitute new evidence, the information contained in the documents, not just the documents themselves, must have been unavailable despite due diligence when the record closed.

As stated in 5 C.F.R. § 1201.114(h), a petition for review, a cross petition for review, or a response to a petition for review, whether computer generated, typed, or handwritten, is limited to 30 pages or 7500 words, whichever is less. A reply to a response to a petition for review is limited to 15 pages or 3750 words, whichever is less. Computer generated and typed pleadings must use no less than 12 point typeface and 1-inch margins and must be double spaced and only use one side of a page. The length limitation is exclusive of any table of contents, table of authorities, attachments, and certificate of service. A request for leave to file a pleading that exceeds the limitations prescribed in this paragraph must be received by the Clerk of the Board at least 3 days before the filing deadline. Such requests must give the reasons for a waiver as well as the desired length of the

pleading and are granted only in exceptional circumstances. The page and word limits set forth above are maximum limits. Parties are not expected or required to submit pleadings of the maximum length. Typically, a well-written petition for review is between 5 and 10 pages long.

If you file a petition or cross petition for review, the Board will obtain the record in your case from the administrative judge and you should not submit anything to the Board that is already part of the record. A petition for review must be filed with the Clerk of the Board no later than the date this initial decision becomes final, or if this initial decision is received by you or your representative more than 5 days after the date of issuance, 30 days after the date you or your representative actually received the initial decision, whichever was first. If you claim that you and your representative both received this decision more than 5 days after its issuance, you have the burden to prove to the Board the earlier date of receipt. You must also show that any delay in receiving the initial decision was not due to the deliberate evasion of receipt. You may meet your burden by filing evidence and argument, sworn or under penalty of perjury (*see* 5 C.F.R. Part 1201, Appendix 4) to support your claim. The date of filing by mail is determined by the postmark date. The date of filing by fax or by electronic filing is the date of submission. The date of filing by personal delivery is the date on which the Board receives the document. The date of filing by commercial delivery is the date the document was delivered to the commercial delivery service. Your petition may be rejected and returned to you if you fail to provide a statement of how you served your petition on the other party. *See* 5 C.F.R. § 1201.4(j). If the petition is filed electronically, the online process itself will serve the petition on other e-filers. *See* 5 C.F.R. § 1201.14(j)(1).

A cross petition for review must be filed within 25 days after the date of service of the petition for review.

NOTICE TO AGENCY/INTERVENOR

The agency or intervenor may file a petition for review of this initial decision in accordance with the Board's regulations.

NOTICE OF APPEAL RIGHTS

You may obtain review of this initial decision only after it becomes final, as explained in the "Notice to Appellant" section above. 5 U.S.C. § 7703(a)(1). By statute, the nature of your claims determines the time limit for seeking such review and the appropriate forum with which to file. 5 U.S.C. § 7703(b). Although we offer the following summary of available appeal rights, the Merit Systems Protection Board does not provide legal advice on which option is most appropriate for your situation and the rights described below do not represent a statement of how courts will rule regarding which cases fall within their jurisdiction. If you wish to seek review of this decision when it becomes final, you should immediately review the law applicable to your claims and carefully follow all filing time limits and requirements. Failure to file within the applicable time limit may result in the dismissal of your case by your chosen forum.

Please read carefully each of the three main possible choices of review below to decide which one applies to your particular case. If you have questions about whether a particular forum is the appropriate one to review your case, you should contact that forum for more information.

(1) Judicial review in general. As a general rule, an appellant seeking judicial review of a final Board order must file a petition for review with the U.S. Court of Appeals for the Federal Circuit, which must be received by the court within **60 calendar days** of the date this decision becomes final. 5 U.S.C. § 7703(b)(1)(A).

If you submit a petition for review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at http://www.mspb.gov/probono for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

(2) Judicial or EEOC review of cases involving a claim of discrimination. This option applies to you only if you have claimed that you were affected by an action that is appealable to the Board and that such action was based, in whole or in part, on unlawful discrimination. If so, you may obtain judicial review of this decision—including a disposition of your discrimination claims—by filing a civil action with an appropriate U.S. district court (*not* the U.S. Court of Appeals for the Federal Circuit), within **30 calendar days** after this decision becomes final under the rules set out in the Notice to Appellant section, above. 5 U.S.C. § 7703(b)(2); *see Perry v. Merit Systems Protection Board*, 582 U.S. ____ , 137 S. Ct. 1975 (2017). If the action involves a claim of discrimination based on race, color, religion, sex, national origin, or a disabling condition, you may be entitled to representation by a court-appointed lawyer and

to waiver of any requirement of prepayment of fees, costs, or other security. *See* 42 U.S.C. § 2000e-5(f) and 29 U.S.C. § 794a.

Contact information for U.S. district courts can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

Alternatively, you may request review by the Equal Employment Opportunity Commission (EEOC) of your discrimination claims only, excluding all other issues. 5 U.S.C. § 7702(b)(1). You must file any such request with the EEOC's Office of Federal Operations within **30 calendar days** after this decision becomes final as explained above. 5 U.S.C. § 7702(b)(1).

If you submit a request for review to the EEOC by regular U.S. mail, the address of the EEOC is:

Office of Federal Operations
Equal Employment Opportunity Commission
P.O. Box 77960
Washington, D.C. 20013

If you submit a request for review to the EEOC via commercial delivery or by a method requiring a signature, it must be addressed to:

Office of Federal Operations
Equal Employment Opportunity Commission
131 M Street, N.E.
Suite 5SW12G
Washington, D.C. 20507

(3) Judicial review pursuant to the Whistleblower Protection Enhancement Act of 2012. This option applies to you only if you have raised claims of reprisal for whistleblowing disclosures under 5 U.S.C. § 2302(b)(8) or other protected activities listed in 5 U.S.C. § 2302(b)(9)(A)(i), (B), (C), or (D). If so, and your judicial petition for review "raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D)," then you may file a petition for judicial review with the U.S.

Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction. The court of appeals must receive your petition for review within **60 days** of the date this decision becomes final under the rules set out in the Notice to Appellant section, above. 5 U.S.C. § 7703(b)(1)(B).

If you submit a petition for judicial review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at http://www.mspb.gov/probono for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

Contact information for the courts of appeals can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx