

Option C is the most comprehensive proposed change to the Board's regulations on jurisdiction and therefore it is recommend that the Board adopt this particular option. Thus, unlike Option A or Option B, Option C identifies 8 different types of appeals and the specific jurisdictional requirements for each of these types of appeals. We believe that including this information in your new jurisdictional regulations benefits appellants, Federal agencies, and the Board because appeals in which the Board clearly does not have jurisdiction may not be filed in the first place. Based on past handling of MSPB appeals, pro se appellants are not always aware of the jurisdictional requirements of certain appeals until only after the Board judge has actually issued an order on jurisdiction.

Finally, Option C's proposed change to 5 C.F.R. §1201.24 (d) would provide that an appellant is entitled to a full evidentiary hearing only when such a hearing is necessary to resolve genuine issues of material fact as to matters on which the appellant has the burden of proof. When there are no genuine issues of material fact to be resolved, a hearing may be limited to oral argument as to legal issues and the application of the law to the facts of the case. We believe this change would help expedite the handling of appeals, providing for a streamlined process when the facts are not in dispute.