

DEPARTMENT OF JUSTICE COMMENTS ON 5 C.F.R § 1201.56 AMENDMENTS

Option C best clarifies the Board jurisdictional requirements and in a manner that pro se appellants who do not have legal backgrounds will understand. The Option C proposed regulatory changes clearly and concisely articulate the jurisdictional requirements of the various types of appeals in one regulation, which is important because, as the Option C drafter noted, appellants are frequently pro se. Further, the proposed changes clarify when an appellant will be entitled to an evidentiary hearing on jurisdiction and explain the differences between evidentiary and non-evidentiary hearings, as well as how each such hearing may be conducted. Finally, they also clarify the difference between jurisdictional requirements and claim processing rules.