

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 79, Number 64, dated April 3, 2014, 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, would like to recommend that the Board reconsider language previously contained in Option C from Federal Register Notice Volume 78, Number 217, dated November 8, 2013. Specifically, we would like the Board to consider adding Section 1201.5, "Establishing appellate jurisdiction" to the regulations, or modifying Sections 1201.56 and 1201.57 to incorporate this language. Adding jurisdictional requirements makes it clear for both appellants and agencies as to what must be proved by preponderant evidence. This is not only helpful to appellants who may be pro se, but also representatives who may not be familiar with federal case law. It will also assist agencies when preparing for defense of their actions.

Additionally, we would like to propose incorporation of the table included in the discussion portion of Option C, entitled "Elements/Issues in MSPB Appeals," be included in either the regulations or 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