



Contact: Matthew Shannon  
(202) 653-6772, ext. 1172  
V/TDD 1-800-877-8339  
(Federal Relay Service)

FOR IMMEDIATE RELEASE  
October 12, 2010

**U.S. MERIT SYSTEMS PROTECTION BOARD (MSPB) TO  
CONDUCT ORAL ARGUMENT IN *AGUZIE ET AL.* ON OCTOBER 18, 2010**

On Monday, October 18, 2010, MSPB will hear oral argument in the matters of *Hyginus U. Aguzie v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0261-R-1; *Jenee Ella Hunt-O'Neal v. Office of Personnel Management*, MSPB Docket Number AT-0731-09-0240-I-1; *James A. Scott v. Office of Personnel Management*, MSPB Docket Number CH-0731-09-0578-I-1; and *Holley C. Barnes v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0260-R-1 (*Aguzie, et al.*) The proceedings will take place at 10:00 a.m. at the United States Court of Appeals for the Federal Circuit, Room 201, 717 Madison Place, N.W., Washington, D.C. See [75 FR 62591, October 12, 2010](#).

*Aguzie, et al.* raise the question of whether, when the Office of Personnel Management (OPM) directs an agency to separate a tenured employee for suitability reasons, the Board must consider a subsequent appeal under 5 CFR part 731 as contemplated therein, or should the Board instead consider the appeal under 5 U.S.C. chapter 75, given that the scope of a chapter 75 appeal is broader than a part 731 appeal and that OPM generally lacks authority to issue regulations limiting statutory rights. The Board invited and received *amicus curiae* briefs. See [75 FR 20007, April 16, 2010](#) and [75 FR 29366, May 25, 2010](#).

The parties and the *amici curiae* will be allotted time to present oral argument in this matter. The briefs submitted by the parties and the *amici curiae* are available for viewing on MSPB's website at <http://www.mspb.gov/oralarguments/>. The MSPB also will make a recording of the oral argument available on its website. The public is welcome to attend this hearing for the sole purpose of observation. Persons with disabilities who require reasonable accommodation to participate in this event should direct the request to MSPB's Director of Equal Employment Opportunity at (202) 653-6772 ext. 1194 or V/TDD 1-800-877-8339 (Federal Relay Service). All requests should be made at least one week in advance.

This is the second time in the past four weeks that MSPB has conducted an oral argument after not hearing oral arguments for over 20 years. The MSPB will utilize oral argument in cases like *Aguzie, et al.* that present issues of special significance because of their broad potential impact on the Federal civil service and merit systems.

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency that protects Federal merit systems and the rights of individuals within those systems. The MSPB also conducts studies of the civil service and other merit systems in the Executive Branch.