

## SUPPORTING STATEMENT A

### JUSTIFICATION:

#### **1. Circumstances that make the collection of information necessary.**

The Merit Systems Protection Board (MSPB or Board) is authorized to adjudicate appeals of certain Federal agency personnel and retirement actions and certain alleged violations of law. *See* 5 U.S.C. §§ 1204, 1221, 3330a and 7701, and 38 U.S.C. § 4324. The Board has published its regulations for processing appeals at 5 C.F.R. Parts 1201, 1208, and 1209. The Board's regulations require that appellants provide certain information when filing an appeal so that the Board can determine whether it has jurisdiction over the appeal and whether it has been filed within the applicable time limit. Although an appeal may be filed in any format, including letter form, MSPB provides an appeal form (MSPB Form 185) so that a person seeking to file an appeal will know that he or she is providing all information required for the Board to initiate processing. In addition, MSPB implemented an electronic filing system, e-Appeal Online (<https://e-appeal.mspb.gov>), as an alternative means to collect the same information as MSPB Form 185. Other than the difference in medium, e-Appeal Online differs from the static form in that the question-and-answer process is interactive, i.e., the responses to questions determine subsequent questions. This eliminates the need for an appellant to answer "not applicable" to or otherwise skip some portions of the form.

In compliance with the Paperwork Reduction Act of 1995 (PRA), MSPB forwards to the Office of Management and Budget (OMB) for review and approval an information collection request (ICR) package for the **revised** MSPB Form 185. (Corresponding modifications have been made to e-Appeal Online.) The MSPB is requesting public comments on the MSPB Form 185, which is available for review on MSPB's website at <http://www.mspb.gov/appeals/revisedappealform.htm>

#### **2. Purpose the information is to be used for.**

Using MSPB Form 185 or MSPB's e-Appeal Online system ensures that all required information is provided when individuals file appeals with MSPB.

### **3. Uses of the information and consequences of not collecting it.**

Both MSPB Form 185 and e-Appeal Online request basic information from persons who initiate proceedings before the Board including: name and address; the name and address of the appellant's designated representative (if any); the name and address of the agency that took the appealed action, the nature of the action, and an explanation of why the appellant believes the action was wrong, including whether the appellant believes the agency engaged in harmful procedural error, committed a prohibited personnel practice, or engaged in discrimination. The specific requirements are set forth in MSPB's regulations at 5 C.F.R. §§ 1201.24, 1208.13, 1208.23, and 1209.6. Although use of either MSPB Form 185 or e-Appeal Online is voluntary, each helps to ensure that an appellant will provide the basic information necessary for MSPB to determine whether the action falls within its appellate jurisdiction, and enables MSPB to docket the appeal and obtain the file on the appealed action from the appropriate agency.

### **4. Efforts to identify duplication.**

No duplication will exist since the responses are personal and based on specific circumstances applicable to an individual appellant.

### **5. Why similar information already available cannot be used.**

No similar information is already available since the responses are personal and based on specific circumstances applicable to an individual appellant.

### **6. Methods used to minimize burden on small businesses or other small entities**

This information collection is not applicable to small businesses or other small entities.

### **7. Consequences if information was collected less frequently.**

Respondents provide the information only one time per appeal.

### **8. Special circumstances requiring collection inconsistent with guidelines in 5 C.F.R. 1320.6.**

None.

**9. Efforts to consult with persons outside the agency on the availability of the information.**

Not applicable.

**10. Describe assurances of confidentiality given to respondents.**

The Privacy Act Statement on both MSPB Form 185 and e-Appeal Online state that the decisions of the Board are final administrative decisions and, as such, are available to the public under the provisions of the Freedom of Information Act (FOIA). The Privacy Act Statement also forms respondents that decisions of the Board are posted to the Board's public website ([www.mspb.gov](http://www.mspb.gov)). Additionally, it is possible that information contained in the appeal file may be released as required by FOIA. Certain information about appeals will also be used in depersonalized form in a database for program statistics.

**11. Justification for any questions of a sensitive nature.**

The Privacy Act Statement on both MSPB Form 185 and e-Appeal Online state that the personal information requested is relevant and necessary to reach a decision in an appeal. The MSPB collects the information in order to process an appeal under its statutory and regulatory authority. Since an appeal is a voluntary action, the appellant is not required to give any personal information. However, failure to supply the Board with all the essential information could result in the rejection or dismissal of an appeal.

**12. Provide estimates of the burden of the collection of information on respondents.**

The public burden for this collection of information is estimated to vary from 20 minutes to 4 hours, with an average of 60 minutes per response, including time for reviewing the form and instructions, searching existing data sources, gathering the data necessary, and completing and reviewing the collection of information.

**13. Total annual cost burden.**

Costs associated with this information collection are expected to be nominal. Any cost incurred by an appellant's reproduction of a personal copy of the form submitted to MSPB, and by the use of stationery, postage, a fax machine, or Internet are considered to be normal costs incurred as part of customary business or private practices.

**14. Provide estimates of annualized costs to the Federal government.**

Both MSPB Form 185 and e-Appeal Online have been in use for a substantial period of time. The only costs to the Federal government entailed in the proposed revision to the appeal form are staff time devoted to researching and editing the static form and the corresponding modifications to e-Appeal Online. The MSPB does not incur printing costs for MSPB Form 185, instead making it available for download from our public website and mailing paper copies only when requested.

**15. Program Changes or Adjustments.**

Not applicable.

**16. Outline plans for use and publication.**

Both MSPB Form 185 and e-Appeal Online will only be used by MSPB to elicit pertinent information from appellants. Their only use is to provide information to the Board necessary to adjudicate an appeal.

**17. Reason for not displaying expiration date.**

Not applicable.

**18. Exceptions to Certification.**

Not applicable.