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CHAIRMAN GRUNDMANN DEPARTING MSPB IN JANUARY 2017 IMPACT ON BOARD OPERATIONS

Merit Systems Protection Board (MSPB or Board) Chairman Susan Tsui Grundmann, who was appointed by President Barack Obama and confirmed by the United States Senate to her position in 2009, has announced her resignation as a member and Chairman, and will be departing the Board effective January 7, 2017. Her term expired on March 1, 2016, and she is currently serving in a holdover capacity pursuant to [5 U.S.C. § 1202](#). In addition, the Vice Chairman position has been vacant since March 2015. Therefore, pursuant to Federal law, Member Mark A. Robbins, who was appointed by the President and confirmed by the United States Senate to his position in 2012, is authorized to perform the administrative and executive functions of MSPB.

Importantly, because there is an existing vacancy on the Board, Chairman Grundmann's departure will result in the loss of a Board quorum. Among other things, the Board will not be able to act on any petition for review filed until a quorum is restored by the nomination and confirmation of at least one new member. Similarly, without a quorum, the Board cannot issue study reports on the civil service pursuant to [5 U.S.C. § 1204\(a\)\(3\)](#).

Although there will be a lack of a quorum, parties may still file petitions for review. All deadlines for filing petitions for review remain the same.

Finally, pursuant to existing delegations authorized by Title 5 of the U.S. Code, Board administrative judges will continue to hear appeals and issue initial decisions.

If neither party files a petition for review of an initial decision, an appellant who receives an initial decision may exercise his or her right to appeal directly to the U.S. Court of Appeals for the Federal Circuit, another U.S. court of appeals, or a U.S. district court, as appropriate. As always, initial decisions will list the various administrative and court appeal options. All deadlines for filing court appeals remain the same.

For more information regarding the impact of a lack of quorum, please visit www.mspb.gov.

The U.S. Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices.