

MSPB Online Appeal Process

The MSPB's e-Appeal Online website has an interactive online application that guides you through the process of providing the Board with the necessary information. The MSPB does not accept new appeals via email; e-Appeal Online is the only method allowed for electronic filing.



You must file an appeal in writing with the Board's regional or field office serving the area where your duty station was located when the action was taken.



An appeal must be filed within 30 calendar days of the effective date of the action, if any, or within 30 calendar days after the date of receipt of the agency's decision, whichever is later.



Assistance with Filing an Appeal to the MSPB

You have several options to receive assistance with filing an appeal with the MSPB:

- Contact your local Human Resources Office, Labor Relations Specialist
- Contact your local Union Representative, and review their local Collective Bargaining Agreement
- MSPB Website:
<https://e-appeal.mspb.gov/>

Contact: Your local Human Resources Office, Labor Relations Specialist, or if you are a bargaining member employee, your local union for assistance with policy governing the MSPB, and adverse actions and appeal process.

National Guard Bureau Technician Personnel Division

Title 32 to Title 5 Conversion

“Know Your MSPB Appeal Rights”



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What is MSPB?

The federal Merit Systems Protection Board (MSPB) exists to protect the rights of federal civil service employees. The MSPB is designed to be independent of partisan politics and to provide federal employees with an opportunity to appeal adverse and unfair personnel decisions.

MSPB Jurisdiction

The 2017 National Defense Authorization Act, dated 23 December 2016, amended 32 USC 709, NG Technician Act to afford NG technicians the right to appeal to the MSPB.

A right of appeal which may exist when the appeal concerns a removal or suspension of more than 14 days.

Key Point to Remember

When the Adjutant General takes an appealable action against an employee, the TAG must provide the employee with:

- (1) A notice of the time limits for appealing to the Board,
- (2) The address of the appropriate Board regional or field office for filing the appeal,
- (3) A copy or access to a copy of the Board's regulations,
- (4) A copy of the Board's appeal form,
- (5) A notice of any rights concerning the State's grievance procedure or a negotiated grievance procedure, whether an election must be made between available options, and the effect of such an election, and
- (6) Notice of any right to file a complaint with the Equal Employment Opportunity Commission.

Key Point to Remember

If an employee is a member of a bargaining unit that is represented by a union or an association, the bargaining agreement may have a negotiated grievance procedure available to the employee. Many times, the grievance procedure will cover personnel actions that by law may otherwise be appealed to the Board. If a bargaining unit employee is covered by such a "broad scope" grievance procedure, then the employee has a choice between filing either a grievance with the agency or an appeal with the Board, *but may not do both*.

