



Personnel Appeals Board Petition Form



Instructions for filling out Petition Form

The Personnel Appeals Board (PAB) is an independent entity within GAO (an agency in the legislative branch of government). The PAB performs the combined functions of its executive branch counterparts: the Equal Employment Opportunity Commission; the Federal Labor Relations Authority; the Merit Systems Protection Board; and the Office of Special Counsel. Established by the GAO Personnel Act of 1980, the PAB protects against potential or perceived conflicts of interest arising from GAO's oversight of the executive branch.

The purpose of this form is to assist you and/or your representative in providing the PAB with all information that may be relevant to your claim(s) and to facilitate the efficient processing of your case. Please take time to read this form carefully and to answer all questions to the best of your knowledge. Failure to provide the information or to complete this form could result in delay or dismissal of your case.

Note to representatives, throughout this Form "you" and "your" refer to the Petitioner and Petitioner's claims.

You should use this form only if:¹

- You work for PAB/OGC and are representing a party with a right to petition the PAB for redress, OR
- You are (or you are representing) a person who meets the following criteria:
 - You work(ed) for the Government Accountability Office (GAO) or applied for employment with GAO; AND
 - You believe GAO discriminated against you because of your race, color, sex, religion, national origin, age (40 years or older), pregnancy, genetic information or disability, or in retaliation for participating in the EEO complaint process or opposing unlawful discrimination; AND you contacted and received counseling from GAO's Office of Opportunity and Inclusiveness on the claims you raise in this petition AND you received a Right to Petition Letter from PAB/OGC within 30 days of filing this petition OR 180 days have lapsed since you filed a charge with PAB/OGC and you have not received a Right to Petition Letter.²

AND/OR

- You have been removed, suspended for 14 days or more, reduced in grade or pay, furloughed for 30 days or less, involuntarily resigned, involuntarily retired, furloughed for more than 30 days by a reduction in force AND you received a Right to Petition Letter from PAB/OGC within 30 days of filing this petition OR 180 days have lapsed since you filed a charge with PAB/OGC and you have not received a Right to Petition Letter.

AND/OR

Instructions continued on next page

¹ If you intend to file a petition related to labor-management relations, please visit the GAO-PAB website Resources and follow the procedures laid out in the Guide to Labor-Management Relations Practice before the PAB: <https://pab.gao.gov/wp-content/uploads/2022/06/mediationpamphlet.pdf>.

² Right to Petition Letter: The PAB Office of General Counsel (PAB/OGC) will investigate your allegations to determine whether your rights under the GAO Personnel Act (31 U.S.C. §§ 731, 752 *et. seq.*) have been violated. At the conclusion of the PAB/OGC's investigation, you will be issued a Right to Petition Letter which will inform you that PAB/OGC has completed the investigation. Upon receipt of the letter, you will have to decide how you wish to proceed. You may have PAB/OGC represent you (if they have offered to do so) and argue your claim(s) on your behalf before the PAB. You may wish to proceed with representation of your own choosing, you may wish to proceed *pro se* (representing yourself), or you may wish not to pursue your claim(s) further. If you decide to pursue your claims before the PAB, you must do so within 30 days of receiving the Right to Petition Letter.

-
- You believe that GAO action was taken in retaliation for your protected disclosure of information you reasonably believe demonstrates a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or substantial and specific danger to public health or safety; or in retaliation for the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation with regard to remedying a violation of subsection (b)(8); for testifying or otherwise lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; for cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, in accordance with applicable provisions of law; or for refusing to obey an order that would require a violation of law, rule, regulation or policy, (*See* 5 U.S.C. § 2302(b)(8), (b)(9)(A)(i),(B), (C), and (D) and Appendix A) AND you received a Right to Petition Letter from PAB/OGC within 30 days of filing this petition OR 180 days have lapsed since you filed a charge with PAB/OGC and you have not received a Right to Petition Letter. *See* Appendix A.

AND/OR

- You believe that GAO action was taken in retaliation for the exercise of any appeal, complaint, or grievance right other than with regard to remedying a violation of 5 U.S.C. § 2302(b)(8) (*See* Appendix A), AND you received a Right to Petition Letter from PAB/OGC within 30 days of filing this petition OR 180 days have lapsed since you filed a charge with PAB/OGC and you have not received a Right to Petition Letter.

AND/OR

- You believe you have experienced any other prohibited personnel practice undertaken by GAO, as outlined in Appendix A, AND you received a Right to Petition Letter from PAB/OGC within 30 days of filing this petition OR 180 days have lapsed since you filed a charge with PAB/OGC and you have not received a Right to Petition Letter. *See* Appendix A.

AND/OR

- You have been separated by a reduction in force (RIF). (You do not have to first obtain a Right to Petition letter from PAB/OGC or wait 180 days in this instance.)

For more information on filing a petition with the PAB please go to the *Resources* section of the PAB website, <https://pab.gao.gov> and download a copy of the Local Rules of the Personnel Appeals Board.

Part 1. Petitioner Information (to be completed by petitioner or petitioner's representative)

Privacy Statement: As a legislative branch agency, GAO is not subject to the privacy and information security laws applicable to executive branch agencies, such as the Privacy Act of 1974, Federal Information Security Management Act of 2002, and E-Government Act of 2002; or Office of Management and Budget (OMB) and National Institute of Standards and Technology (NIST) guidance issued under those laws. However, it is GAO policy to protect personal privacy consistent with laws applicable to executive branch agencies and related best practices, in accordance with GAO's duties, functions, and responsibilities to Congress, including the responsibility to prevent unwarranted invasions of personal privacy, as required by 31 U.S.C. § 716(e)(2). GAO Order 0450.1 establishes GAO's privacy program and maintains privacy policies and procedures for GAO that are generally consistent with similar laws and guidance applicable to agencies of the executive branch.

GAO Order 0450.1 authorizes collection of personal identifiable information (PII). The information furnished will be used to process your petition. Furnishing your own PII, including medical information, is voluntary and therefore Petitioner is deemed to waive privacy protection for all PII they provide. Failure to provide such information can impede the processing of your case. All other PII should be properly redacted prior to filing.

Petitioners and representatives must promptly notify the PAB of any change in email, mailing address, and/or telephone numbers while this case is pending.

Registered Email: The email address you provide here for yourself, and your representative will be your Registered Email(s) for the duration of this case. You will be required to use this email account to file your pleadings and receive service of the pleadings of other parties. This email will also be the primary means of communication for important case information and scheduling. Therefore, you are required to check this email account regularly to ensure you are up to date on all relevant matters related to the processing of your case. If you or your representative need to change your registered email address, you must file a written and signed notification to the PAB and all parties to this proceeding.

1. Name (Please list your name exactly as it appears in your personnel records):
2. Present Address: City: State: Zip:
3. Email Address:
4. Telephone Number (list your primary number):
5. Your Federal employment status at the time of the events at issue in your petition:
 - a. Permanent
 - b. Temporary
 - c. Term
 - d. Seasonal
 - e. Applicant
 - f. Retired
 - g. None
6. Type of appointment:
 - a. Competitive
 - b. Excepted
 - c. SES
 - d. Other: _____
7. Your position, title, grade, and duty station at the time of the events at issue in your case (if applicable):
 - a. Occupational Series or Cluster:
 - b. Position Title:
 - c. Grade or Pay Band:
 - d. Duty Station:

Part 1. Petitioner Information (continued)

8. Prior to filing this petition, did Petitioner and GAO participate in any sort of mediation or alternate dispute resolution (ADR) process? Yes No. If yes, please state what the result was:
9. Have you filed a charge with PAB/OGC? Yes No
If yes, please provide the date you filed a charge with PAB/OGC:
10. Have you received a Right to Petition Letter from PAB/OGC? Yes No
If yes, please provide the date you receive the right to Petitioner Letter from PAB/OGC and attach a copy of the Letter with this petition form:
11. Are you entitled to Veterans Preference (see 5 U.S.C. § 2108)? Yes No
12. Length of Federal Service (if applicable): Years Months Start Date
13. Were you serving a probationary, trial, or initial service period at the time of the events at issue in your petition? Yes No
14. You have the right to request a hearing before an administrative judge. If you elect not to have a hearing, the administrative judge will make a decision on the basis of the submissions of the parties. Do you want a hearing? Yes No
15. Does petitioner wish to have a representative in this matter? Yes No
(If yes, petitioner must name the desired representative and provide the contact information below):
16. Representative's Name:
17. Representative's Address:
18. Representative's Email:
19. Representative's Telephone Number:
Note: Representative must promptly notify PAB if there are any changes to address, email, or telephone number.
20. Is representative with PAB/OGC? Yes No
21. Is representative an attorney? Yes No
22. Is representative associated with petitioner's union? Yes No

Petitioner hereby designates the above-named individual to serve as their representative during the course of this matter before the PAB. Petitioner authorizes this representative to act on their behalf, to serve, and receive service from all parties to this matter. In addition, Petitioner specifically delegates their representative to settle this appeal on their behalf. Petitioner understands they must promptly notify PAB if there are any changes to the representative or if petitioner ceases to be represented. If you do not have a representative at this time but wish to designate one at a later date, you may do so by submitting a written and signed designation letter to the PAB containing your representative's name and contact information.

Petitioner Must Sign Here to Designate Representative:

Sign: _____ Date: _____

Part 2. Claims of Equal Employment Opportunity (EEO) Discrimination

Complete this part if you believe GAO discriminated against you because of your race, color, sex, religion, national origin, age (40 years or older), pregnancy, genetic information, or disability, or in retaliation for participating in the EEO complaint process or opposing unlawful discrimination:

1. What do you believe was (were) the reason(s) for the alleged discrimination? Check all the appropriate boxes that apply and identify your class (i.e. specify your race, religion, etc.) in the space provided. If you allege retaliation for EEO activity, please give the date and type of your previous EEO activity.

Race	Age
Color	National Origin
Religion	Disability
Sex/Sexual Orientation/Gender	Retaliation
Identity Genetic Information	Pregnancy/Child Birth

2. Please list the date and a brief description of each instance of discrimination or harassment you wish to claim in this matter (You may attach additional claims in a separate document if you require more space than what is allotted in this form):

DATE	BRIEF DESCRIPTION

3. What remedy(ies) do you seek for the alleged discrimination? If you need additional space, attach an additional page.

BRIEF DESCRIPTION

Part 3. Personnel Action Appeals and Prohibited Personnel Actions

Complete this part if you are appealing a GAO personnel action or decision other than a decision directly addressing your retirement rights or benefits. An explanation of these types of appeals and claims of Prohibited Personnel Practices is provided in Appendix A.

1. Select which best describes the personnel action or decision you are appealing. (If you are appealing more than one action or decision, select each action that applies:

Removal (termination after completion of probationary or initial service period)
Termination during probationary or initial service period
Reduction in grade, pay, or band
Suspension for more than 14 days
Failure to restore/reemploy/reinstate or improper restoration/reemployment/reinstatement
Negative suitability determination
Involuntary resignation
Involuntary retirement
Furlough of 30 days or less
Separation, demotion, or furlough for more than 30 days by reduction in force (RIF)
Other (*See* Appendix A)

2. Date you received the final decision or action (if any):
3. Effective date of the action or decision:
4. Explain briefly why you think GAO was wrong in taking this action, including whether you believe GAO engaged in harmful procedural error, committed a prohibited personnel practice, or engaged in one of the other claims listed in Appendix A. Attach GAO proposal letter, decision letter, and SF-50, if applicable. Attach additional pages if necessary (bearing in mind there will be later opportunities to supplement your filings).

5. What remedy(ies) do you seek for this alleged action?

6. With respect to the GAO personnel action or decision you are appealing, have you, or has anyone on your behalf, filed a grievance under a negotiated grievance procedure provided by a collective bargaining agreement? Yes No
If yes, please provide the date that the grievance was filed and attach a copy of the grievance with this form. Date:

PLEASE READ THIS SECTION VERY CAREFULLY. IT CONTAINS IMPORTANT INFORMATION ON HOW TO FILE YOUR PETITION WITH PAB AND HOW YOUR CASE WILL BE PROCESSED.

By signing and submitting this Petition Form to the PAB you agree, understand, and consent to the following:

I, _____ and my representative (if applicable) , _____
Petitioner's Name **Representative's Name**

understand that I/we must adhere to the PAB's procedure for electronically filing (e-filing) documents in matters before the PAB as laid out below.

E-Filing Procedures:

These procedures are governed by 4 C.F.R. Part 28 and PAB Local Rules and while this form provides general guidance on those procedures, you are responsible for complying with the regulations, rules, and procedures applicable to your case.

The Board will serve copies of the petition upon the parties to the proceeding by mail and/or by email. The Board will attach a Service List indicating the names, addresses, and email addresses of the parties to the proceeding and/or their designated representatives. The Board will not serve copies of any pleadings, motions, or other submissions by the parties after the initial petition. See 4 C.F.R. § 28.20

The email address that you provided above will be your registered email address for the duration of this case and will be placed on the Service List. It will be the primary means of communication and service of process throughout the processing of your case. This email account must be maintained and must be able to receive and send emails. If you or your representative need to change registered email addresses, you may do so by filing written and signed notice to the PAB and you must serve all parties a copy of this notice.

Generally, all pleadings, motions, briefs and other filings, are to be filed electronically unless specifically exempted by law, regulation, or PAB order. To file this Petition Form and all other pleadings in your case, they must be sent from your registered email address to PAB@GAO.GOV.

Formatting Documents for E-Filing:

As an initial matter, documents filed electronically are just like paper files and must still comply with the Federal Rules of Civil Procedure, 4 C.F.R. Part 28, and PAB Local Rules addressing the form, size, and formatting of pleadings and other legal documents.

In order to e-file a document, it is the preference of the Board that it be converted into portable document format (PDF) before being sent to PAB@GAO.GOV. Exhibits to a filing should be numbered and made part of the filed pleading document, separated and labeled with bookmarks wherever possible. However, the Board accepts numerous electronic formats, including word-processing and spreadsheet formats, and image files (files created by scanning). Pleadings must be formatted so that they will print on 8 1/2-inch by 11-inch paper with 1" margins. Parties are responsible for reviewing all pleadings to confirm legibility and to minimize the inclusion of nonrelevant personally identifiable information.

E-filed documents must contain a signature block. You can either:

- Use an electronic government signature using your CAC/PIV or GAO secure electronic signature.
- Use an electronic signature by typing “/s/” followed by the typed name of the signer. For example, “/s/ John Smith”
- Scan a signed pen/ink signature page and include in the PDF document.

If you have a submission that does not lend itself to PDF format (e.g., a video recording or audio recording), please contact the Clerk of the Board for instructions on how to submit the item.

Classified Materials or Other Protected Material

Our PAB email account is secure and approved to receive documents containing PII and medical information, however, if you wish to file documents that are classified or otherwise cannot, by law, be transmitted via email, please contact the Clerk of the Board for more information on how to submit these materials to the Board.

Encountering IT Issues:

If for some reason, you encounter difficulties sending your pleadings to pab@gao.gov when you are attempting to file documents with the PAB, you must first contact the Clerk of the Board. If outside of 8am to 4pm Eastern Time and you are unable to reach the Clerk of Board, you may submit your filing via email directly to the Clerk of the Board, with a written explanation in the body of the email as to why the filing was not submitted and **YOU MUST ALSO cc the opposing party's registered email address, and the AJ assigned to your case.**

Serving Documents Electronically:

After the submission and service of this petition, each party must provide the opposing party with a copy of all correspondence sent to the Administrative Judge, including service of filings. Each filing must contain a Certificate of Service attached as the last page which is a signed and dated declaration by the filer confirming that the opposing party was provided a copy of the filing and the manner in which it was provided. Failure to provide a copy of submissions to the opposing party may result in return of such submissions without consideration. To comply with service requirements, parties must serve the email address contained on the service list.

The parties and their representatives are reminded of their ongoing obligation to keep the PAB informed of their current phone number, mailing, and email address.

Other than to clarify a procedural issue or during alternative dispute resolution, it is inappropriate for the parties to engage in ex parte communication with the Administrative Judge. This means that the opposing party must be present on a call or cc-ed on every email that includes the Administrative Judge. This also includes anything officially filed for the case. The filing party is responsible for making sure that all filed documents have been served to all parties in accordance with the instructions contained herein.

Service must be completed in one of the two ways described below:

- Email: Parties may send the document as an email attachment to the email addresses of all the parties to the case, including the Clerk of the Board and the Administrative Judge at pab@gao.gov.
- USPS: Permission to serve opposing parties via USPS mail, will only be granted in extraordinary circumstances and upon a showing of good cause. Please contact the Clerk of the Board for more information.

I certify that I have read and understood all the instructions in this form related to e-filing, e-service, and communications with the Administrative Judge. I further certify that all the statements made in this form and any attachments are true, complete, and correct to the best of my knowledge and belief.

Signature of Petitioner

Date

Signature of Petitioner's Representative

Date

Additional Claims Regularly Raised in Personnel Action Appeals

Harmful Error: Error by GAO in the application of its procedures that is likely to have caused GAO to reach a conclusion different from the one it would have reached in the absence or cure of the error. The burden is upon the Petitioner to show that the error was harmful, i.e., that it caused substantial harm or prejudice to his or her rights.

Prohibited Personnel Practice (PPP): A claim that GAO's action or decision the Petitioner is challenging was the result of one of the personnel practices prohibited by 5 U.S.C. § 2302(b). Among the prohibited personnel practices most likely to be relevant as an affirmative defense are: unlawful discrimination under subsection (b)(1) (see below); retaliation for protected whistleblowing under subsection (b)(8); and retaliation for other protected activity under subsection (b)(9).

Unlawful Discrimination: A claim that the agency action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, marital status, political affiliation, genetic information, and retaliation for prior equal employment opportunity (EEO) activity. See 5 U.S.C. §§ 2302(b)(1), 7702; 4 C.F.R. Part 28. If you filed a formal discrimination complaint, give the date on which you did so, state whether and when the agency issued a final decision on your discrimination complaint, and provide copies of both.

Retaliation for whistleblowing activity under 5 U.S.C. § 2302(b)(8) and (b)(9)(A)(i), (B), (C), or (D): A claim that the agency action was taken in retaliation for the disclosure of information the individual reasonably believes demonstrates a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or substantial and specific danger to public health or safety; or in retaliation for the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation with regard to remedying a violation of subsection (b)(8); for testifying or otherwise lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; for cooperating with or disclosing information to the Inspector General (or any other component responsible for internal investigation or review) of an agency, or any government oversight group, or PAB/OGC, in accordance with applicable provisions of law; or for refusing to obey an order that would require a violation of law, rule, or regulation. See 5 U.S.C. § 2302(b)(8), (b)(9)(A)(i), (B), (C), and (D).

Retaliation for other protected activity under 5 U.S.C. § 2302(b)(9)(A)(ii): A claim that the agency action was taken in retaliation for the exercise of any appeal, complaint, or grievance right, other than with regard to remedying a violation of 5 U.S.C. § 2302(b)(8).

Inappropriate Recommendations: If GAO requested or considered recommendations about an employee or applicant unless the recommendation was based on the personal knowledge of the employee or records of the person providing it, that is a PPP. Put another way, this means that a recommendation to hire or promote someone in the federal workplace must be ignored unless the person making the recommendation has actual knowledge of the person's abilities as they would apply to the position in question. 5 U.S.C. § 2302(b).

Political Coercion: A claim that an agency official coerced or attempted to coerce the political activity of any person or retaliated against an employee for refusing to engage in political activity. 5 U.S.C. § 2302(b)(3).

Obstructing/Influencing Competition for Employment: A claim that an agency official intentionally deceived or obstructed anyone from competing for employment or influenced a person to withdraw from competition for employment to improve the prospects of another person or gave unauthorized advantage to the employment prospects of another person. 5 U.S.C. § (b)(4)-(6).

Nepotism: A claim that a government employee influenced the hiring, promotion, or employment advantages of a relative (father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister). 5 U.S.C. 2302(b)(7).

Discrimination for Nonperformance-related Reasons: A claim that the agency discriminated for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others. 5 U.S.C. § 2302(10).

Violation of Rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA): A claim that the agency action violated rights and benefits under 38 U.S.C. Chapter 43 by denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership, application for membership, performance of service, application for service, or obligation to perform service in a uniformed service. GAO Order 2353.1.

Violation of a Law or Regulation relating to Veterans' Preference pursuant to the Veterans Employment Opportunities Act (VEOA): A claim that the agency action violated rights related to veterans' preference under any statute or regulation. 5 U.S.C. 2302(b)(11).

Violation of Merit System Principles: A claim that the agency took or failed to take a personnel action if doing so would violate a law, rule or regulation implementing or directly concerning the merit system principles. This PPP prohibits agency officials from taking, or failing to take, a personnel action that violates any other civil service law, rule, or regulation that was designed to uphold the merit system principles. 5 U.S.C. § 2302(b)(12).

Improper Nondisclosure Policies: The agency shall not in any way impede the whistleblower rights of others and is required to inform employees who are subject to non-disclosure agreements that the agreement does not supersede employees' whistleblowing rights, such as reporting wrongdoing to OSC or Congress. 5 U.S.C. § 2302(b)(13).

Unlawful access to medical records: A claim that the agency accessed the medical records of another employee or an applicant for employment as a part of any PPP. 5 U.S.C. 2302(14).

END OF PETITION FORM