

# PERSONNEL APPEALS BOARD

2025 Annual Report



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## PERSONNEL APPEALS BOARD MEMBERS AND CAREER STAFF

### BOARD MEMBERS

By statute, the Personnel Appeals Board (PAB or Board) is comprised of five members who are appointed to five-year, staggered, nonrenewable terms by the Comptroller General. The members are selected pursuant to GAO Order 2300.4 (Personnel Appeals Board Vacancies) by a process that involves employee and management participation. The Board Members in turn select a Chair and Vice Chair to serve on a rotating basis to perform, among other duties, the Board's statutory chief executive and chief administrative officer functions.

Current and former Board Members who served during some or all the 2025 calendar year are listed below:

Maxanne R. Witkin, Chair/Vice Chair/Member	February 2023 - February 2028
Kevin Owen, Vice Chair/Member	July 2024 - July 2029
Julia Akins Clark, Chair/Member	March 2022 - March 2027
Robert Erbe, Member	July 2025 - July 2030
Kenneth White, Member	July 2025 – July 2027

### BOARD AND GENERAL COUNSEL STAFF

The Board's statutory mission and continuity of operations is accomplished through the dedicated service of professional career staff, including the following key positions. The Board's Executive Director has day-to-day responsibility for running the office and serves as the Chief Operating Officer. The Solicitor and Senior Attorney serve as legal advisors for the Board. The Director of EEO Oversight assists the Board in carrying out its responsibility for oversight of equal employment opportunity programs and initiatives at GAO. The Clerk of the Board provides procedural advice and maintains the Board's official records. The PAB's General Counsel and PAB/OGC legal staff investigate charges filed with that office. If there are reasonable grounds to believe that a violation of law has occurred, PAB/OGC may represent the charging party before the Board.

## CHAPTER 1: THE PERSONNEL APPEALS BOARD

### Section 1: About the Personnel Appeals Board

Under the General Accounting Office Personnel Act of 1980 (GAOPA),<sup>1</sup> the Personnel Appeals Board (PAB or Board) is charged with adjudicating many different types of employment and labor disputes. The PAB's authority allows it to issue decisions and order corrective action in cases alleging prohibited personnel practices, illegal discrimination, prohibited political activity, negotiability, and unfair labor practices involving employees of the U.S. Government Accountability Office (GAO or the Agency).<sup>2</sup> The GAOPA also authorizes the Board to oversee GAO's employment regulations, procedures, and practices relating to anti-discrimination laws.<sup>3</sup>

The PAB's authority combines the adjudicatory functions of its Executive branch counterparts: the U.S. Merit Systems Protection Board (MSPB);<sup>4</sup> the U.S. Equal Employment Opportunity Commission (EEOC); and the U.S. Federal Labor Relations Authority (FLRA). The Board's Office of General Counsel (PAB/OGC) performs the investigatory and prosecutorial functions of its Executive branch equivalents, which are the Office of Special Counsel (OSC) and the EEOC.

The GAOPA provides for a Board comprised of five members<sup>5</sup> who serve five-year, staggered, nonrenewable terms. To the extent possible, a new Board member is appointed

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<sup>1</sup> Pub. L. No. 96-191 (Feb. 15, 1980). In July 2004, the Agency's name changed from the U.S. General Accounting Office to the U.S. Government Accountability Office. Pub. L. No. 108-271 (Jul. 7, 2004).

<sup>2</sup> 31 U.S.C. § 753.

<sup>3</sup> 31 U.S.C. § 732(f)(2)(A).

<sup>4</sup> The MSPB was "created to ensure that all Federal government agencies follow Federal merit systems practices. The Board does this by adjudicating Federal employee appeals of agency personnel actions, and by conducting special reviews and studies of Federal merit systems." 5 C.F.R. § 1200.1. The PAB has similar jurisdiction to hear and decide matters alleging prohibited personnel practices under 5 U.S.C. § 2302(b). 4 C.F.R. § 28.2(b)(2). The PAB also has similar review and study authority over GAO about assessing the EEO impact of GAO's actions and/or inactions. *See supra*, n.3.

<sup>5</sup> Board members may be referred to throughout the report as Board member, Administrative Judge, or member.

each year, which promotes continuity of Board operations. GAO expeditiously conducts the Board member recruitment process to minimize, to the extent possible, the duration of Board vacancies. Candidates for the Board are sought through a process that includes advertising and recruitment efforts that focus on organizations whose members are experienced in the adjudication or arbitration of personnel and labor matters. Applicants are expected to have expertise and/or litigation experience in the area of federal personnel law, demonstrated ability to arbitrate or adjudicate complex legal matters, or experience at a senior level position in resolving complex legal matters.

GAO establishes a screening panel to review applications for Board member positions and identify the best qualified candidates.<sup>6</sup> An interview panel composed of some of the screening panel members, including one employee group member selected by the Employee Advisory Council representatives and one selected by the representatives of the GAO Employees Organization, conducts the personal interviews and reports its results to the full screening panel. The screening panel recommends one or more of the candidates to the Comptroller General, who makes an appointment to the Board after considering the recommended candidates. The Board members elect their own Chair and Vice Chair.

***a. Personnel Appeals Board Staff***

The Board's Executive Director manages Board staff and Board operations. The Board's Solicitor and Senior Staff Attorney advise Board members and the Executive Director on legal matters and may provide minimal procedural guidance to litigants before the Board. The Board's Office of Equal Employment Opportunity (EEO) Oversight reviews equal employment opportunity practices and procedures at GAO and issues annual and semi-annual evaluative

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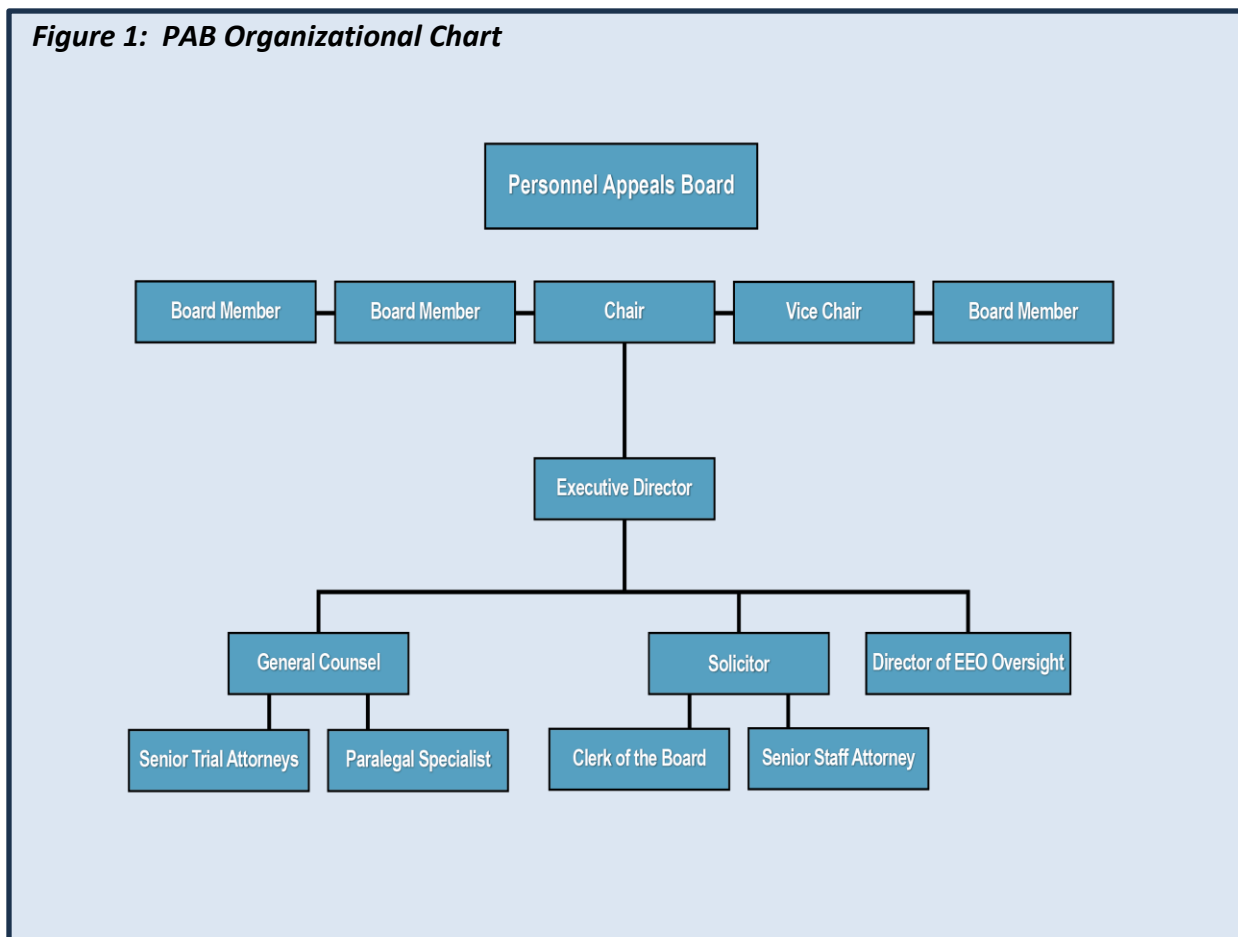
<sup>6</sup> The voting members of the screening panel are three senior management officials designated by the Comptroller General. The nonvoting members are one representative from the Human Capital Office, one representative selected by the Attorney Advisory Board, two representatives selected by the Comptroller General's Employee Advisory Council, and four representatives selected by the GAO Employees Organization, IFPTE, Local 1921. GAO Order 2300.4, Personnel Appeals Board Vacancies, Ch. 1, ¶ 7 (Aug. 24, 2022).

reports that contain the Board’s findings, conclusions, and recommendations to the Agency.<sup>7</sup> The Clerk of the Board is responsible for receiving filings, distributing Board orders and decisions, and maintaining the Board’s official records.

**b. Personnel Appeals Board Office of General Counsel Staff**

The PAB/OGC investigates charges of prohibited personnel practices and unfair labor practices filed with its office and, if there is a reasonable basis to believe that a violation of law has occurred, offers to represent the charging party in litigation before the Board.

Figure 1 below shows the organizational make-up of the Personnel Appeals Board and its subordinate offices.



<sup>7</sup> 31 U.S.C. § 732(f)(2)(A); see 4 C.F.R. §§ 28.91 and 28.92.

## CHAPTER 2: THE BOARD PROCESS

An employee, a group of employees,<sup>8</sup> a labor organization, or an applicant for employment at GAO may file a petition for relief with the Board seeking review of a GAO action or inaction that adversely affected them. Such a petition may arise from:

(1) a removal, a suspension for more than 14 days, a reduction in grade or pay, or a furlough of not more than 30 days; (2) a prohibited personnel practice; (3) an unfair labor practice or other covered labor-management relations issue; (4) an action involving prohibited discrimination;<sup>9</sup> (5) a prohibited political activity; and (6) any other personnel issues that the Comptroller General, by regulation, determines that the Board should hear.

In addition to the employment claims listed above, the Board is authorized to conduct labor and union representation proceedings at GAO, including determining appropriate bargaining units of GAO employees, conducting elections to determine whether employees in any such units wish to select a union to represent them in collective bargaining, and certifying the selected union as the designated exclusive bargaining representative.<sup>10</sup> The Board is also authorized to resolve collective bargaining impasses, as well as negotiability questions.<sup>11</sup>

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<sup>8</sup> The Board can hear and decide cases filed by a group of petitioners as well as actions filed on behalf of a class.

<sup>9</sup> The complete procedures for filing a discrimination complaint with the Agency may be found in GAO Order 2713.2, *Discrimination Complaint Resolution Process* (Aug. 13, 2025) (hereafter GAO Order 2713.2). At GAO, the discrimination complaint process begins when the employee consults with a civil rights counselor in the Agency's Office of Opportunity and Inclusiveness (O&I).

<sup>10</sup> The Board's *Guide to Labor-Management Relations Practice* is available at <https://pab.gao.gov/procedural-guides/>.

<sup>11</sup> See GAO Order 2711.1, *Labor-Management Relations* (Aug. 14, 2013); 4 C.F.R. §§ 28.110–28.124. <sup>12</sup> See <https://pab.gao.gov> under the link labeled "How to File."

## **Section 1: Filing with the PAB Office of General Counsel**

At GAO, an employee, group of employees, or an applicant for a job may file a charge with the PAB Office of General Counsel to initiate the Board process.<sup>12</sup> The PAB/OGC has the authority to investigate charges. The PAB/OGC also may represent employees where the General Counsel finds reasonable grounds to believe a charging party's rights have been violated regarding alleged violations of law over which the Board has jurisdiction.

A charge that does not involve discrimination may be filed with the PAB/OGC within 30 calendar days after the effective date of the underlying personnel action or within 30 calendar days after the charging party knew, or should have known, of the action.

An individual may file a charge involving alleged discrimination with the PAB/OGC either within 30 calendar days after receipt of the Agency's Office of Opportunity and Inclusiveness's (O&I's) rejection of the complaint in whole or in part, within 30 calendar days after receipt of the Agency's final decision on the complaint, or when more than 120 days have elapsed since the complaint was filed and O&I has not issued a final decision.<sup>13</sup>

Once an individual charge is filed with the PAB/OGC, the charging party is advised of their rights and informed of PAB/OGC's mediation program.<sup>14</sup> Parties are encouraged to seek mediation at any time and work towards solving workplace disputes via these channels. The PAB/OGC then conducts an independent investigation of the matters raised in the charge to determine whether there are reasonable grounds to believe that the employee's rights under the GAOPA have been violated. This process may include obtaining documents and taking oral statements from persons with knowledge of the circumstances that are involved in the allegations.

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<sup>12</sup> See <https://pab.gao.gov> under the link labeled "How to File."

<sup>13</sup> GAO Order 2713.2, Ch. 4, ¶ 1.

<sup>14</sup> *A Practice Guide to Mediation of Disputes at the Personnel Appeals Board* is available at <https://pab.gao.gov/procedural-guides/>.

Following the investigation, the PAB/OGC issues a Right to Petition Letter notifying the charging party that the investigation has been completed and that the individual has the right to file a petition with the Board seeking a review of the Agency action or inaction. The PAB/OGC also issues to the charging party alone a confidential Statement of Investigation that includes the results of the investigation and the PAB/OGC's conclusions regarding the legal and factual issues.

If the General Counsel concludes that reasonable grounds exist to believe that a violation of the law has occurred, the General Counsel will offer to represent the charging party in an evidentiary hearing before the Board at no expense to the employee. If the offer of representation is accepted, the PAB/OGC assumes responsibility for the entire case even if the employee has retained private counsel.

If the PAB General Counsel concludes that there are no reasonable grounds to support a claim, the charging party retains the right to file a petition with the Board and request an evidentiary hearing. A petitioner may appear *pro se* or retain private counsel before the Board.

## **Section 2: Petitions with the PAB**

A petitioner must file their case with the Board within 30 calendar days after service of the Right to Petition Letter from the PAB/OGC. Alternatively, if 180 days have elapsed from the filing of a charge with the PAB/OGC and no Right to Petition Letter has been issued by the General Counsel, the employee may "opt out" of the investigation and file a petition with the Board. An employee who chooses that route foregoes the opportunity to have the General Counsel present the case to the Board.

Upon receipt of a petition, either a single Board member will be assigned as the administrative judge to hear and decide the case, or the Board will hear the case *en banc* (by all Board members). The petition to the Board is not a challenge to, or review of, the conclusions of the PAB/OGC, but a fresh consideration of the petitioner's claims. The Board does not have access to the investigative work and conclusions of the PAB/OGC; the Administrative Judge is

not informed whether the PAB/OGC found reasonable grounds to believe a violation of law existed in each case, unless a petitioner voluntarily discloses this information.<sup>15</sup>

A Board member's initial decision is final unless: (1) the Board member grants a party's motion to reconsider; (2) the Board, on its own motion, decides to review the initial decision; or (3) a party timely appeals to the Board for full Board review.<sup>16</sup> Final decisions of the Board, with few exceptions, may be appealed to the U.S. Court of Appeals for the Federal Circuit.

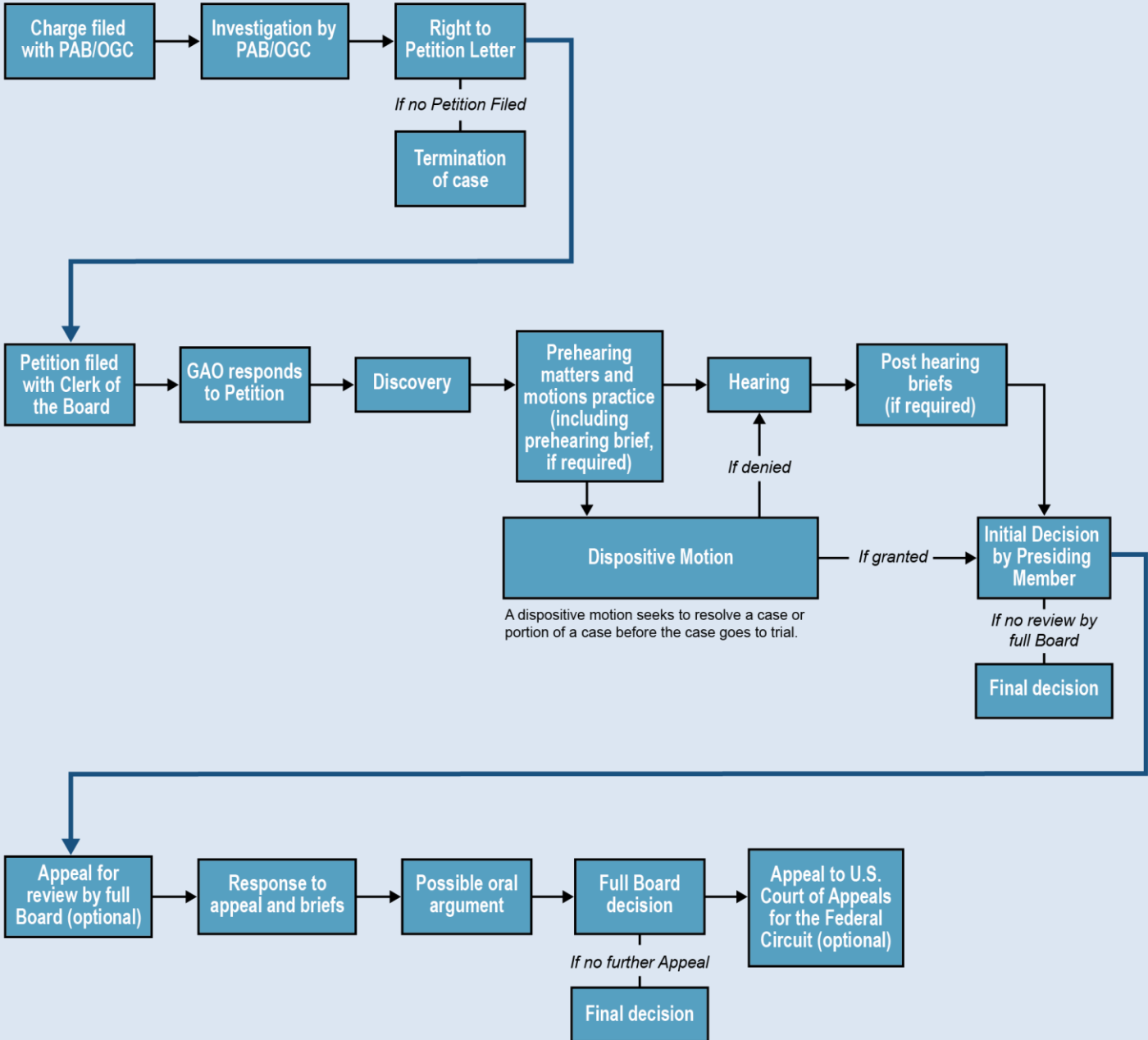
The following chart, Figure 2, describes the Board process from the time a charge is filed through the completion of all adjudication.

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<sup>15</sup> If a petition is filed *pro se*, or petitioner is represented by outside counsel, the Board has no information regarding why the PAB/OGC is not representing petitioner. However, if petitioner is represented by the PAB/OGC, presumably under the regulations, the General Counsel has determined that there is/are reasonable ground(s) for representation. In any event, Petitioner's representation is not a factor in the Board's final decision.

<sup>16</sup> See 4 C.F.R. § 28.87 for timelines to seek reconsideration or appeal of an initial decision.

**Figure 2: The Personnel Appeals Board Process**



### **Section 3: PAB Office of General Counsel Authority**

#### **a. PAB/OGC Stay Requests**

The PAB/OGC may request that the Board issue a stay on an impending personnel action that, in PAB/OGC's judgment, may constitute a prohibited personnel practice.<sup>17</sup> If the Board Chair grants the stay, PAB/OGC may later request additional stays of the proposed action.<sup>18</sup> Further stays may be granted if the Board member designated by the Chair, or the Board *en banc*, determines that, under all of the circumstances, the interests of justice would be served by providing more time for the PAB/OGC to pursue the investigation.<sup>19</sup> In considering a request for a stay, the Board will consider (1) whether the proposed personnel action could have arisen out of a prohibited personnel practice and (2) the nature and gravity of any harm that could affect each side as a result of granting or denying the stay. The Board may grant a stay on its own if it determines that the matter requires further briefing and/or oral argument from the parties, or the Board may elect to conduct an evidentiary hearing on the matter.

#### **b. Disciplinary Proceedings**

Following an investigation, the PAB/OGC is authorized to file a request for employee disciplinary action with the Board. In such cases, the PAB/OGC will provide a written complaint, containing a statement of supporting facts, along with supporting documentation to the Board.<sup>20</sup> The PAB/OGC's authority includes the authority to request disciplinary action for engaging in prohibited political activity.

After a hearing, if the Board decides discipline is warranted, the Board may order removal, reduction in grade, debarment from GAO employment, reprimand, or an assessment

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<sup>17</sup> The Board's stay authority does not extend to any reduction in force action. 31 U.S.C. § 753(b).

<sup>18</sup> The purpose of an additional stay is to provide the PAB/OGC more time to conduct its investigation or to stay the personnel action until the Board can render a final decision. 4 C.F.R. § 28.133(b).

<sup>19</sup> 4 C.F.R. § 28.133(d).

<sup>20</sup> 4 C.F.R. § 28.132.

of civil penalty not to exceed \$1,000. Judicial review of the Board's final order may be obtained in the U.S. Court of Appeals for the Federal Circuit.

**c. Labor-Management Relations**

The Board's regulations and GAO Order 2711.1 (Labor-Management Relations), authorize the PAB/OGC to process representation petitions filed by a labor organization, an employee or group of employees, or GAO.<sup>21</sup> The PAB/OGC reviews the representation petition and coordinates with the parties before preparing a report for the Board, which may recommend approval of appropriate agreements reached during consultation with the parties, dismissal of the petition as being without merit, or issuance of a notice of hearing to dispose of unresolved issues raised in the petition. In addition, the PAB/OGC is responsible for investigating unfair labor practice charges filed with the Board.

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<sup>21</sup> Representation petitions are initiated when a request is filed with the PAB/OGC who will process and handle the request. The petitions can be filed by the following: 1. A labor organization seeking to be designated as the exclusive representative for collective bargaining by the GAO employees in an appropriate unit, or by a labor organization desiring to replace another labor organization that is currently an exclusive representative; 2. An employee or a group of employees (or an individual on his, her or their behalf) desiring a new election to determine whether a labor organization has ceased to represent a majority of employees in a unit; 3. GAO, if it has a good faith reason to doubt that a majority of employees in the bargaining unit wish to be represented by their current exclusive representative; 4. GAO or a labor organization currently recognized as an exclusive representative desiring the Board to clarify an earlier unit determination or certification; or 5. Any person seeking clarification of, or an amendment to, a certification then in effect or any other matter relating to representation.

## **CHAPTER 3: 2025 ACTIVITY OF THE PAB**

### **Section 1: Labor-Management Relations**

In 2025, the Board received two Petitions from the GAO Employees Organization, IFPTE, Local 1921 to review labor-management relations matters, i.e., a request for representation and an unfair labor practice matter.

The first labor matter was a Petition for Representation filed with the PAB/OGC on June 12, 2025 seeking a vote from the employees covered by the Attorney Performance-Based Compensation System to determine if they wish to be represented by IFPTE Local 1921. The PAB/OGC submitted a Report and Recommendation on August 26, 2025. An election was conducted in the above matter under the supervision of the Executive Director of the Personnel Appeals Board, in accordance with 31 U.S.C. § 732(e) and the Personnel Appeals Board regulations at 4 C.F.R. Part 28, Subpart E. On November 14, 2025, the Executive Director certified the GAO Employees Organization, IFPTE, Local 1921 as the designated representative based on a majority of the eligible voters selecting IFPTE as the exclusive representative of the employees covered by the Attorney Performance-Based Compensation System (PA). No further action was taken on this matter.

The Board received an Unfair Labor Practice Petition on December 22, 2025. In this matter, the Union alleged the Agency committed an unfair labor practice when it took the following actions: 1) held a formal meeting, without notice to the Union, where it 2) announced a unilaterally implemented policy prohibiting a group of employees from eligibility for intermittent telework, and 3) repudiated the negotiated agreement between the parties regarding intermittent telework, all in violation of the Statute and PAB Order. In accordance with Board regulations, a Notice was issued in the matter on December 31, 2025. At the close of the calendar year this matter was pending before the Board.

## **Section 2: Employment Case Activity**

### **a. Mediation**

The mediation program established by the Board provides parties to claims and complaints with an alternative avenue for resolving disputes. The mediator is a facilitator who has no power or role to impose a specific resolution but is a neutral party trained to assist opposing parties in resolving their disputes without having to pursue litigation. The parties that participate in mediation have the option to meet separately and/or jointly with a mediator to work towards the goal of reaching a voluntary, mutually satisfactory resolution. Further information about the mediation program can be found on the Board's website. There were no mediations before the Board in 2025.

### **b. Petitions before the Board**

In 2025, there were four petitions at various stages of adjudication before the Board. Two of those petitions were pending from the previous year, and two new petitions were filed in calendar year 2025. The first new Petition filed with the Board is an internal matter involving an allegation of whistleblower reprisal. The second Petition filed with the Board involved allegations of discrimination based on age. Below is a more detailed discussion of the four Petitions before the Board in 2025.

The first petition pending from the previous year was filed on August 21, 2024, by outside counsel on behalf of the Petitioner, a former GAO employee. The Petitioner alleged GAO committed a prohibited personnel practice in violation of 5 U.S.C. § 2302(b) when GAO forced him to retire involuntarily. A retirement that is involuntary, is tantamount to a removal, which constitutes an adverse action within the jurisdiction of the Personnel Appeals Board. The Administrative Judge required the parties to submit evidence and argument as to whether the retirement was truly involuntary. After review of the parties' submissions, the Administrative Judge issued an Order dismissing the case for lack of jurisdiction because of Petitioner's failure to set forth a nonfrivolous allegation of jurisdiction. The Petitioner filed a Request for Reconsideration claiming the statement made by the union representative and GAO made a credible demonstration that he was coerced into retiring. After consideration of the Petitioner's

Request for Reconsideration, the Administrative Judge did not have a reason to disturb the current dismissal order and affirmed the initial decision. The Petitioner appealed to the full Board challenging the Administrative Judge's finding that he failed to set forth a nonfrivolous allegation of involuntary retirement. The parties filed briefs and were notified of the delay in a full Board review due to the lack of a Board quorum. The case was still pending before the Board at the close of the calendar year.

The second petition pending from the previous year was filed on November 5, 2024, by a terminated probationary employee claiming retaliation for protected activity. Petitioner alleged the Agency's performance plan was written to make it easy to fire him, he alleged he was assigned to work in a hostile work environment, and he was retaliated against because of the allegations he made concerning his job. The Petitioner also believed the Decision to Terminate notice he received on April 17, 2024, was in retaliation for informing his congressmen and other legislators about his harassment concerns. The Petitioner further claimed the Agency's actions were in violation of the anti-harassment policy and harassment and stalking laws. The Agency timely submitted its response claiming the Petitioner "failed to state a claim." After reviewing the pleadings, on December 10, 2024, the Administrative Judge issued an Order requiring the Agency to file a Motion to Dismiss by January 13, 2025. A Response was filed by Petitioner. After reviewing the pleadings, the Administrative Judge partially granted Respondent's Motion to Dismiss for Petitioner's EEO claims but denied the motion with respect to Petitioner's claim of reprisal for prior protected activity. On July 28, 2025, Petitioner filed a request to withdraw his petition pursuant to settlement. The case was dismissed with prejudice on July 29, 2025.

On June 13, 2025, a former PAB employee filed a petition that included several allegations against Board management, including retaliation against the Petitioner for whistleblower disclosures. This petition has been undertaken by an MSPB judge per 4 C.F.R. § 28.17 and to avoid any conflicts of interest. At the close of the calendar year, the parties were engaged in discovery.

On September 8, 2025, a *pro se* petition was filed which alleged GAO failed to select the Petitioner for a Director position due to age discrimination. In lieu of a Response to the Petition, the Agency filed a Motion for Leave to file a Motion to Dismiss. The Petitioner filed a Response to the Motion for Leave to File a Motion to Dismiss. At the close of calendar year 2025, pleadings were filed by the parties, and the case is still under review.

**c. Stay Requests**

There were no requests for stays filed with the Board in 2025.

**d. Other Activity**

In early 2025, the Board staff began preparation for the migration to ECM SharePoint. Board staff met with representatives from GAO's Records Management Office for guidance and clarification of recordkeeping and retention procedures to ensure compliance with NARA and GAO's Records Retention Policy. The staff conducted a thorough review of its electronic and paper files to determine what documents needed to be discarded because they exceeded the retention date of 30 years for PAB case files and 7 years for Board administrative files.

The Board made comments on the proposed draft of changes to GAO Order 2553.1 – Reemployment of Annuitants.

The Board hired a new Executive Director and a senior attorney.

The Board completed work on its online training course developed to educate GAO employees on their employment rights, the Board's processes and the role of the PAB/OGC in protecting employee rights. The online course became available to GAO employees in the GAO Grow application in March 2025.

The PAB embarked on a large-scale modernization initiative. The Board and staff worked on various operational matters to promote the efficiency of operations of the Board and to improve the resources available to individuals who seek guidance and assistance with adjudication of their claims before the Board. These modernization efforts included codification of an electronic filing and service process in the Code of Federal Regulations, implementation of a uniform petition form for petitioners, and the creation of local rules to aid practitioners navigating PAB litigation procedures. As part of this initiative, the Board also

created a discovery practice guide and updated its existing labor practice guide and is planning to release these resources throughout 2026.

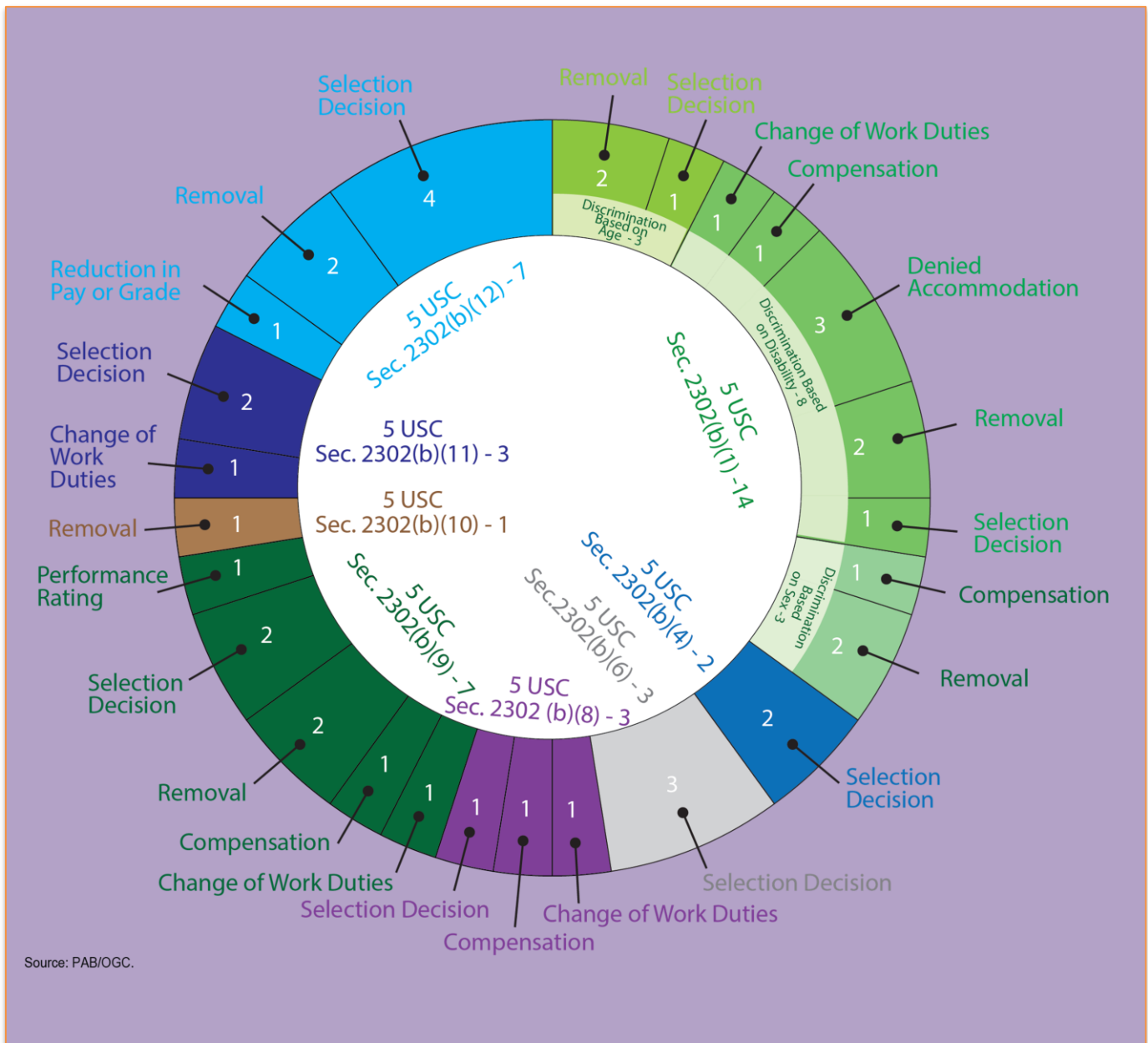
**Section 3: PAB Office of General Counsel Activity**

**a. Employment Case Activity**

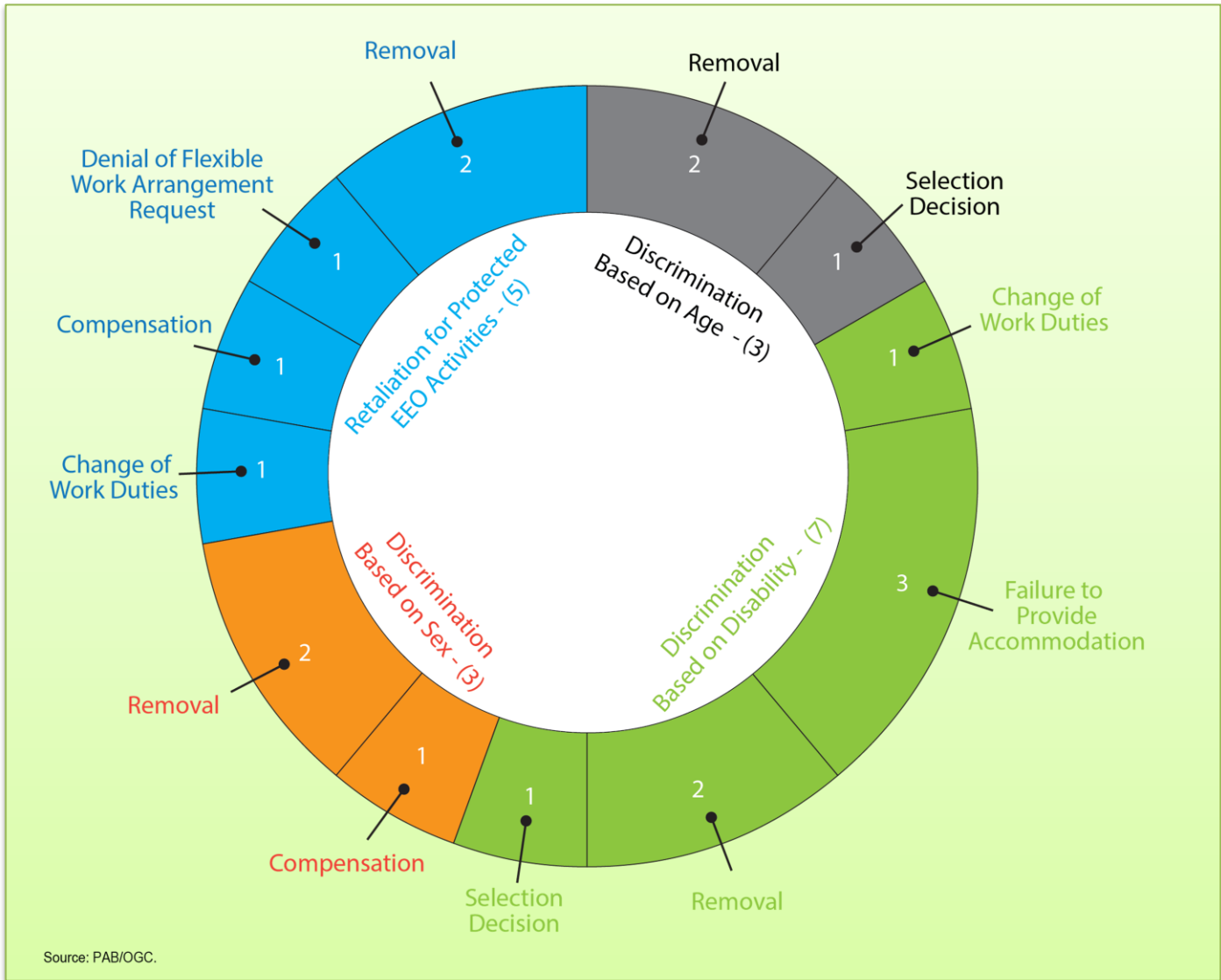
**(1) Charges**

There were fourteen (14) charges and one (1) collective bargaining unit representation petition filed with the PAB/OGC between January 1, 2025, and December 31, 2025. All charges alleged more than one violation of law. Fourteen (14) of the charges include prohibited personnel practice claims and eight (8) of the charges include EEO claims. The charges included forty (40) prohibited personnel practice claims and eighteen (18) claims of EEO discrimination or retaliation. The categories identified below in Figures 3a and 3b list the different claims presented in charges.

**Figure 3a: Legal Allegations Presented in Charges - Prohibited Personnel Practices**



**Figure 3b: Legal Allegations Presented in Charges – EEO Discrimination or Retaliation**



During 2025, the PAB/OGC had a total of 25 open cases, including investigations, corrective actions, and a representation petition on its case docket. The PAB/OGC closed sixteen cases during the calendar year, and nine cases remained opened on the docket at the end of calendar year 2025. The PAB/OGC had two investigations that were resolved through settlement negotiations in 2025. A settlement discussion in the first matter began shortly after the charge was filed with the PAB/OGC. After a lengthy settlement period, the parties reached an agreement. In the second matter, the settlement was reached after using the early mediation process.

## **(2) Investigations and Litigation**

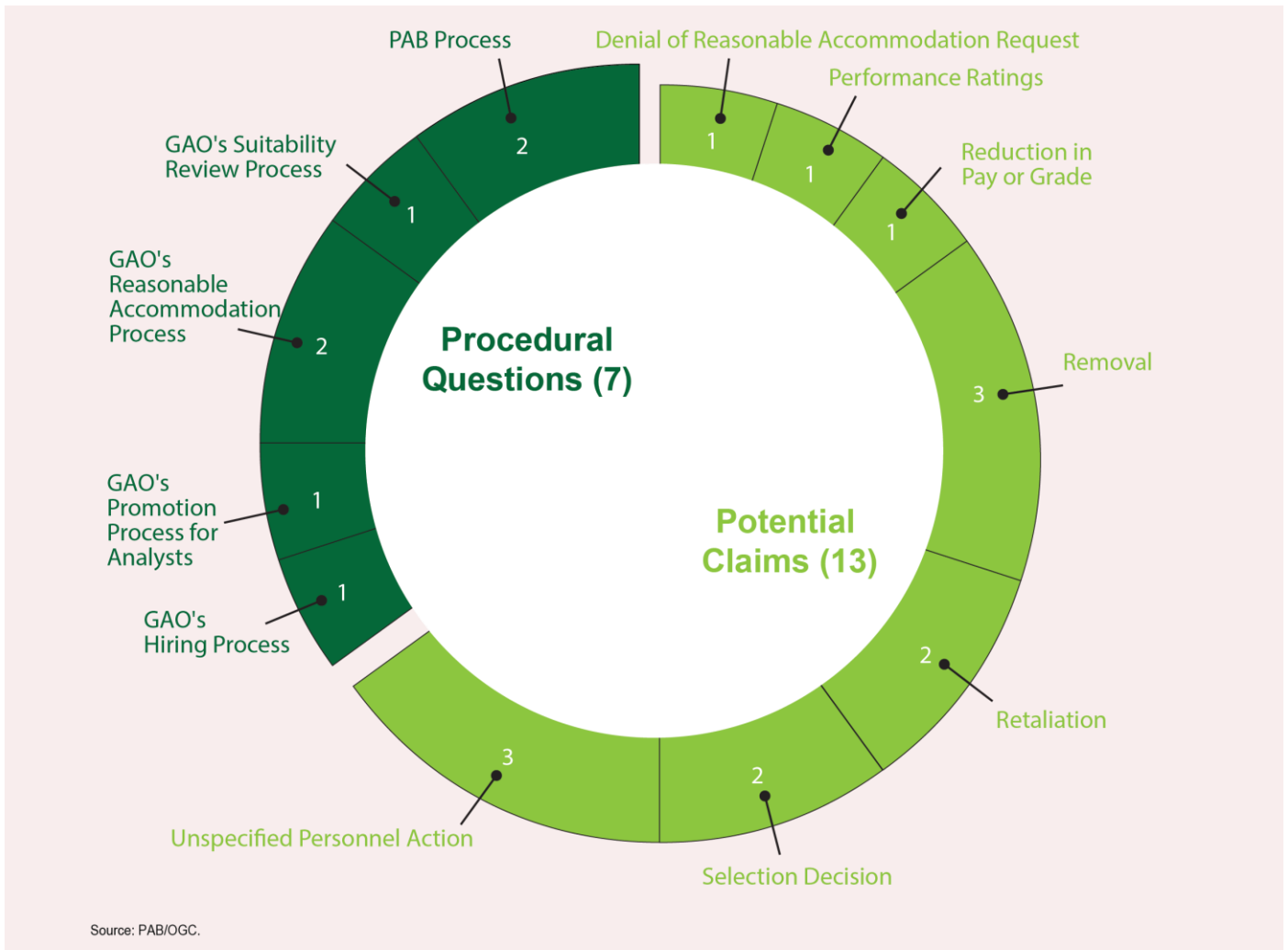
In calendar year 2025, the PAB/OGC did not file any petitions with the Board. The PAB/OGC did not file any requests for stays nor did the PAB/OGC seek to intervene in any cases with the Board in 2025. The PAB/OGC submitted a report of recommendation to the Board in connection with the Union's representation petition for employees covered by the Attorney Performance-Based Compensation System to determine if they wished to be represented by IFPTE Local 1921. The PAB/OGC initiated two corrective action investigations into alleged preferential hiring practices in 2025. One of the corrective action investigations was completed during calendar year. A report was issued to the GAO with a recommendation that it agreed to implement. The PAB/OGC did not seek any disciplinary action during calendar year 2025.

### **b. Other Activity**

The PAB/OGC held two information sessions with employees. The first session provided information about PAB, PAB/OGC and prohibited personnel practice protections. The second session provided information on the American with Disabilities Act protections and GAO's reasonable accommodation process. The PAB/OGC also worked with the Board staff on new filing procedures and local rules and implemented procedures for files to follow GAO's recordkeeping requirements. In addition, the General Counsel handled multiple procurement matters.

The PAB/OGC regularly provides information or informal advice to GAO employees about their personnel, labor, and equal employment opportunity rights. This is accomplished by responding to informational inquiries received by phone, email, or through an in-person meeting. In calendar year 2025, the PAB/OGC fielded twenty (20) informal inquiries covering a total of twelve (12) topics. The topics of those questions are shown below in Figure 4.

**Figure 4: Informal Inquiries and Intakes**



#### **Section 4: Office of EEO Oversight Activity**

The GAOPA authorizes the Personnel Appeals Board to oversee equal employment opportunity at GAO through review and evaluation of GAO's procedures, policies, and practices.<sup>22</sup> To fulfill this mandate, the Board established its Office of EEO Oversight to conduct studies of selected issues and prepare evaluative reports of the Board's findings and conclusions, as well as its recommendations to the Agency.<sup>23</sup>

In 2025, the Board continued its review of GAO's commitment to equal employment opportunity, as evidenced through the Agency's policies, procedures, and practices, in accordance with a revised project proposal approved in 2024. The Board completed a draft study, which compared its findings with selected elements of Management Directive 715 (MD-715) issued by the United States Equal Employment Opportunity Commission (EEOC) on October 1, 2003. The elements of the MD-715 provide guidance for federal agencies to achieve model EEO programs and to implement the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174, as amended by the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 (Cummings Act), Pub. L. 116-283, contained in Title XI, Subtitle B, Sect. 1131-1138 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA). The Board approved circulation of the draft to Agency stakeholders in 2025 for review. Revisions to the draft, following circulation, are underway.

Additionally, in 2025, the Board collected research in support of its consideration of a potential study to review hiring and retention in GAO's career Senior Executive Service (SES) and Senior Level (SL) personnel. The PAB further requested that its Office of EEO Oversight prepare a project proposal for Board consideration of an EEO study regarding employment of military spouses at GAO.

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<sup>22</sup> 31 U.S.C. § 732(f)(2)(A); see applicable regulations at 4 C.F.R. §§ 28.91, 28.92.

<sup>23</sup> The Board's Oversight Studies are available at <https://pab.gao.gov>, under Publications.

## **Section 5: Website Activity**

### **a. Website Developments**

The PAB website continues to be a user-friendly and accessible tool that provides necessary and helpful information to visitors.<sup>24</sup> The website allows individuals to research Board decisions by using various search terms within a decision. The website is managed and updated frequently to capture new decisions, reports, Board announcements, and updates. The PAB's Annual Report and EEO Oversight Reports are available exclusively on the website. The website also includes the PAB's procedural guides for filing documents with the Board, filing charges with the PAB/OGC, and the Board's regulations and statute.

The Board tracks usage of the website for informational purposes only. It does not gather personal data in doing so. The data in the chart below captures the usage of the PAB website between January 2025 and December 2025. Figure 5 summarizes the extent of website traffic and areas of the PAB site visited by users.

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<sup>24</sup> The website can be found at <https://pab.gao.gov>.

**Figure 5: Number of Website Visits**

