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Mark A. Robbins  
Acting Chairman  
Merit Systems Protection Board  
1615 M St., NW  
Washington DC 20419

Dear Mark:

During this time of transition, I know that you and others at the Board are considering how Board operations may and should change in the months and years to come.

This seemed an opportune time for me to offer a few comments, which I will style my "wish list," with a few suggestions for changes that might be considered in an effort to make the Board more public, more transparent, and more efficient in its operations. Here we go:

#### MSPB WISH LIST

##### HEADQUARTERS

1. Abolish the distinction between precedential and nonprecedential decisions.
2. Hire an ALJ to have someone develop the specialized expertise necessary to adjudicate cases that can only be heard by an ALJ, and save money in contracting costs; the ALJ would hear ordinary appeals as time permits and consistent with the authority in 5 CFR 930.207, including OPM waivers.
3. Jettison the current FOIA system and set up an internal MSPB process overseen by FOIA specialists that produces timely responses to FOIA requests and appeals.
4. Undertake an annual survey of representatives of both agencies and appellants to get their views on improvements and other suggestions for Board operations; summarize and report the survey results on the Board's website.

5. Establish a working group to include Board officials, AJs, and representatives of counsel for appellants, agencies, and unions, to annually review and report on suggested developments for Board operations, procedures, training and educational efforts. Publish the recommendations and actions taken on the Board website.
6. Create a comment box on the e-filing system to solicit suggestions of Board stakeholders for improvements in the Board e-filing system. Require a substantive response to those suggestions.
7. Create and place on the MSPB website summaries of MSPB law and procedures, and provide video training on the appellate process, including hearings.
8. Establish an interagency working group including MSPB, FLRA, and EEOC, to develop, with postings on the Board's website of meetings, open to the public, methods of streamlining and reducing delay and duplication of existing procedures for hearings and appeals.
9. Organize, catalogue, and post on the Board website internal operating procedures, manuals, and instructions for headquarters and regional case processing.
10. Clearly delineate and post on the Board's website the functions of the Clerk's office relative to case processing and adjudication.
11. Post on the Board's website rulemaking petitions and Board responses to those petitions.
12. Establish an Ombudsman to field, screen, and address legitimate concerns from stakeholders concerning Board operations, including their interaction with AJs, Board staff, and the Board's e-filing system.

## REGIONS

13. Require each Board region and field office to organize semiannual conferences with members of the bar, to include AJs, to get to know each other and to exchange news and views on Board operations and to provide training.
14. Establish in each region and post on the Board website a list of counsel willing to consider pro bono representation as well as representation for appellants suffering mental disabilities and needing counsel when none is designated.
15. Establish automatic refiling of all cases going on DWOP, unless there is good cause to require optional refiling.

16. Review and document the required existing and continuing training for AJs.
17. Require that each AJ's initial decision be accompanied with a quality review assessment sent to each counsel in the case and require that those quality reviews be evaluated by the Board and annually summarized, without identifying particular AJs, in a report posted on the Board's website.
18. Post regional and field office hearing schedules on the Board website, without names of appellants, to permit the public to know of and attend hearings that are supposed to be "public."

Perhaps these will be of benefit to you and your colleagues. I've enjoyed compiling the list.

With kindest regards, I am,

Yours very truly,

A handwritten signature in black ink, appearing to read "Peter B. Broida". The signature is written over the text "Yours very truly," and extends to the right with a long horizontal stroke.

Peter B. Broida