



# U.S. Merit Systems Protection Board

Office of the Clerk of the Board  
1615 M Street, NW, 5<sup>th</sup> Floor  
Washington, DC 20419

Phone: 202 653 7200, Fax: 202 653 7130, E-Mail: MSPB@MSPB.gov

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## Clerk of the Board

October 28, 2011

Mr. Joseph Carson, PE  
10953 Twin Harbour Drive  
Knoxville, TN 37934

FOIA Tracking No. CB11-278

Dear Mr. Carson:

This is in response to your Freedom of Information Act (FOIA) request dated May 28, 2011. You are requesting copies of documents for the following items:

1. Any records relevant to Ms. Grundmann's duties to be a "mandated reporter" as a lawyer who is the Chairman of MSPB, a federal agency, if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its nondiscretionary duties regarding its special studies function at 5 U.S.C. sections 1204(a)(3) and (e)(3) for past 32 years.
2. Any records relevant to Ms. Grundmann's duties to be a "mandated NON-reporter" as a lawyer who is the Chairman of MSPB, a federal agency, if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its nondiscretionary duties regarding its special studies function at 5 U.S.C. sections 1204(a)(3) and (e)(3) for past 32 years.
3. Any records relevant to Ms. Grundmann's duties to be a "mandated reporter" as a lawyer who is the Chairman of MSPB, a federal agency, if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its nondiscretionary duties regarding its oversight function of the Office of Personnel Management at 5 U.S.C. section 1204(a)(4) and (I) for past 32 years.

4. Any records relevant to Ms. Grundmann's duties to be a mandated Non-reporter" as a lawyer who is the Chairman of MSPB, a federal agency, if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its nondiscretionary duties regarding its oversight function of the Office of Personnel Management at 5 U.S.C. section 1204(a)(4) and (f) for past 32 years.
5. Any records relevant to Ms. Grundmann's duties to be a "mandated NON-reporter" as a lawyer who is the Chairman MSPB if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its duties regarding its oversight function of the Office of Personnel Management at 5 U.S.C. section 1204(a)(4) and (f) for past 32 years, because she was previously employed by federal employee unions, which possibly benefitted from government lawbreaking, because fear of PPPs help sell union memberships.
6. Any records relevant to Ms. Grundmann's duties to be a "mandated NON-reporter" as a lawyer who is the Chairman if she determines there is reasonable cause to believe MSPB has misinterpreted and/or misapplied its duties regarding its special studies function at 5 U.S.C. sections 1204(a)(3) and (e)(3) for past 32 years, because she was previously employed by federal employee unions, who benefitted from the government lawbreaking, because a broken, lawbreaking fraud of an OSC – "the last place a government employee alleging a PPP should go" – and a lawbreaking MSPB that enables it, helps sell federal employee union memberships.
7. Any records related to any evaluation MSPB has conducted of its interpretation of and compliance with its non-discretionary statutory duties at 5 U.S.C. sections 1204(a)(3), (a)(4), (e)(3) and/or (I).
8. Any records related to any consideration MSPB has made of telling the President, Congress or anyone else that its interpretations of and compliance with 5 U.S.C. sections 1204(2)(3), (a)(4), (e)(3) and/or (f) during past 32 years is suspect.

9. Any records related to any consideration MSPB has made of seeking interpretations from the Office of Legal Counsel of the Department of Justice of its interpretations of 5 U.S.C. sections 1204(a)(3), (a)(4), (e)(3) and/or (f) during past 32 years.
10. Any records related to MSPB's compliance with its nondiscretionary statutory duty to conduct reviews of OPM rules and regulations for possible PPP's, per 5 U.S.C. sections 1204(a)(4) and/or (f)(I)(A), on its own motion

*On April 28, 2011, the MSPB provided you with 90 decisions in response to 5 U.S.C. § 1204(f).*

11. Any records of any written complaints received from the Office of Special Counsel (OSC), requesting such a review, per section 1204(f)(I)(c).
12. Any records of any "special studies" conducted by MSPB, per sections 1204(a)(3) and (e)(3), that considered MSPB's and OSC's compliance with their positive, nondiscretionary, statutory duties to proactively review any OPM rule or regulation for possible PPP's.

*We are enclosing two MSPB reports that appear responsive to your request.*

Your request has been processed in accordance with the Merit Systems Protection Board's (MSPB) regulations at CFR Part 1204 that implements the FOIA.

We conducted a thorough search of our records and found documents responsive to item 12 in your FOIA request. Also, on April 28, 2011, we provided you with a response to item 10. We could not locate any responsive documents for items 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11.

You have the right to appeal this determination. If you decide to do so, your appeal should be addressed to the Chairman, U.S. Merit Systems Protection Board, 1615 M Street, NW, 5<sup>th</sup> Floor, Washington, DC 20419. Your appeal should be identified as a "FOIA Appeal" on both the letter and the envelope. Your appeal should include a copy of your original request, a

copy of this letter, and your justification for appealing this decision. You can send your appeal by email or fax at [foiahq@mspb.gov](mailto:foiahq@mspb.gov) and 202-653-7130, respectively. We must receive your appeal within 10 workdays of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.R. Aaron', written in a cursive style.

Darryl R. Aaron  
Director, Information Services Team

Enclosures: Prohibited Personnel Practices – A Study Retrospective  
Prohibited Personnel Practices: Employee Perceptions