

OUTLINE FOR RESPONSE TO ADVERSE ACTION

DATE:

TO: District Mgr., Plant Manager MPOO
(including mailing address, city state, zip code)

SUBJECT: REPLY TO NOTICE OF PROPOSED REMOVAL

NAME: SSN xxx-xx-xxxx

Dear:

As you know, I represent Mr./Ms. _____ with regard to a notice of proposed removal that was conveyed to him/her in a certified letter received on _____ date. A signed designation of representation to that effect is attached to this letter.

EMPLOYMENT HISTORY

Mr./Ms. _____ is a ___ year employee of the United States Postal Service with no prior discipline, and an impeccable record of performance and service to the agency. He/she has ___ hours of accrued Sick Leave, (if applicable) and has received (list awards, commendations).

Prior to his/her employment with the Postal Service, Mr./Ms. _____ served as (Military Service information including retirement or other government or work experience etc.)

THE CHARGE

The agency charges Mr./Ms. _____ with _____ and reference Section _____ of (ELM, F-1, F-10, etc.) which states in part, (quote section) Quote relevant sections that the agency quotes in letter.

THE INCIDENT (WHICH CAUSED THE CHARGES AS OUTLINED BY THE AGENCY DIN THE LETTER.

Specifically at issue are two issues. (Such as unauthorized use of credit card & long term use with no prior warnings letters etc., discussion written instructions) Also the first notification or warning received directly from the agency was contained in the removal notice. The contention that an employee knew or should have known, can be argued that the appellant has had the credit card for an extended period and had never been informed about unauthorized use.

Also note that other supervisors/managers are facing the same or similar charges due to the agencies new enforcement policy of managing after the fact. Also included can be information regarding no training to comply with the new policy enforcement. Also note that since the restructure of 1992 it is required that all supervisor/'managers use these credit cards and now there is stricter enforcement. When the stricter policy was initiated it should have been shared with all managers.

CONCLUSION

Example narrative:

Justice, to be rightly called justice, bears two indispensable qualities. These qualities are consistency and impartiality. To be consistent means that the same offense should merit the same punishment; to be impartial means that it should not matter who the defendant is, and just as importantly, it should not matter who the judge is. These are the premises upon which all law, including that of the EEOC, is ultimately based. If others have received Letters of Warnings (LOW's) or suspension then the same penalty should apply to everyone. Why would some receive removals etc. That would be punitive and not promote the efficiency of the agency etc.

Consider above beginning of conclusion as a sample argument, use any relevant theory you can come up with.

Be sure to be timely with all responses to the agency. If the agency's decision is to remove or downgrade, then an appeal to the Merit Systems Protection Board (MSPB) or 650 appeal to the Postal Service will be the next step.

Appealing to MSPB: Frile on MSPB Form, use the MSPB

Checklist to ensure all paper work is complete and submitted timely.

650 Appeal: Letter requesting 650 appeal hearing . Use the 650 checklist as a guideline.