

APPENDIX B

	FY 15	FY 16	FY 17	FY 18	FY 19¹
VA Appeals Decided ²	755	962	896	1080	403
VA Appeals Dismissed ³	487	548	577	632	258

	FY 15	FY 16	FY 17	FY 18	FY 19
VA IRAs Decided	110	178	181	179	86
VA OAAs with Whistleblowing Claims Decided	61	57	62	77	40

VA IRA APPEAL OUTCOMES	FY 15	FY 16	FY 17	FY 18	FY 19
VA IRAs-Dismissed Without Prejudice ⁴	19	40	39	38	20
VA IRAs-Settled ⁵	23	39	36	16	14
VA IRAs-Withdrawn	10	7	14	7	6
VA IRAs-Dismissed, Failure to Exhaust ⁶	4	16	19	31	9
VA IRAs-Dismissed, Other	36	42	49	44	25
VA IRAs-Adjudicated on the Merits	18	34	27	40	12

VA IRA CLAIM OUTCOMES⁷	FY 15	FY 16	FY 17	FY 18	FY 19
Corrective Action Ordered	3	7	3	2	0
Corrective Action Not Ordered	15	27	24	38	12

¹ All data reported for FY 2019 reflects appeals closed during the first half of FY 2019, i.e., between October 1, 2018, and March 31, 2019.

² Appeals Decided is the number of appeals closed by MSPB's regional and field offices involving the VA as reported in MSPB's Annual Reports.

³ Appeals Dismissed is the number of appeals dismissed, of those decided, as reported in MSPB's Annual Reports, i.e., in MSPB's Annual Reports, the number of appeals Decided is then broken into appeals Dismissed or Not Dismissed.

⁴ Dismissal without prejudice is a procedural option that allows for the dismissal and subsequent refiling of an appeal.

⁵ Cases are settled at the discretion of both parties. Settlement agreements consist of terms acceptable to both parties; thus, the agreement resolves the dispute in a way that both parties achieve some positive result.

⁶ If an IRA appeal is dismissed for "failure to exhaust," i.e., because the appellant failed to first seek corrective action from OSC, the appellant can file a new IRA appeal after fulfilling the administrative exhaustion requirement.

⁷ References data regarding outcomes of the IRA appeals that were adjudicated on the merits.

VA OAA APPEAL OUTCOMES	FY 15	FY 16	FY 17	FY 18	FY 19
VA OAAs-Dismissed Without Prejudice	4	2	6	8	2
VA OAAs-Settled	12	13	12	14	3
VA OAAs-Withdrawn	8	5	5	5	2
VA OAAs-Dismissed, Other	29	22	22	22	14
VA OAAs-Adjudicated on the Merits	8	15	17	28	19

VA OAA CLAIM OUTCOMES⁸	FY 15	FY 16	FY 17	FY 18	FY 19
Corrective Action Ordered	0	3	0	3	0
Corrective Action Not Ordered ⁹	8	12	17	25	19

VA-RELATED OSC STAYS	FY 15	FY 16	FY 17	FY 18	FY 19
Initial Stay Requests¹⁰	1	1	2	1	1
Initial Stays Granted by MSPB	1	1	1 ¹¹	1	1

⁸ References data regarding outcomes of the OAA appeals that were adjudicated on the merits.

⁹ The outcome of an OAA appeal is not necessarily synonymous with the outcome of a reprisal claim; therefore, the fact that corrective action is not ordered in an OAA appeal does not necessarily mean that the appellant obtained no relief. For example, in a removal appeal in which the appellant alleges reprisal, the Board could reverse the removal action because the agency failed to prove that the appellant committed the charged misconduct, or it could mitigate the removal penalty, while also finding that the appellant failed to establish reprisal.

¹⁰ References data on initial stay requests by OSC and does not include data regarding any subsequently filed requests by OSC for extension of an initial stay.

¹¹ In Fiscal Year 2017, an OSC initial request for stay was denied without prejudice to filing a request for an extension of a previously granted stay involving the same individual.