[Airspace Docket No. 76-SO-5]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On February 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 5406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations so that would realign a jet route between New Orleans, La., and Memphis, Tenn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 75.100 [Amended]

§ 75.100 (41 FR 704) is amended as follows:

In J-35 "the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson;" is deleted and "McComb, Miss.; Greenwood, Miss.; is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Washington, D.C., on March 24, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-9138 Filed 3-31-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8947-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Carpets "R" Us, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and statutory requirements; 13.73–90 Textile Fiber Products Identification Act; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–75 Product or quantity covered; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180–35 Offered; § 13.200 Sample, offer or order conformance; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.270 Trademark registration or use. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–80 Textile Fiber Products Identification Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 Content: § 13.1623 Formal regulatory and statutory requirements; 13.1623–80 Textile Fiber Products Identification Act; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract.—Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content: § 13.1852 Formal regulatory and statutory requirements; 13.1852–70 Textile Fiber Products Identification Act; § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1886 Quality, grade or type; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70)

In the Matter of Carpets "R" Us, Inc., a corporation, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation.

Order requiring a Lanham, Md., distributor and installer of carpeting and floor coverings, among other things to cease using bait and switch tactics; misrepresenting free goods and services; misrepresenting exaggerated prices as regular and customary; misrepresenting the amount of carpeting offered for sale, i.e., square feet vs. square yards; failing to disclose to customers their right to a three-day cooling-off period during which they may cancel their sales contract with full refund of monies paid; and misbranding and falsely invoicing their textile fiber products in violation of the Textile Fiber Products Identification Act.

The Final Order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been considered by the Commission upon appeal of Respondents from the Initial Decision, and the Commission, for the reasons stated in the accompanying Opinion, having granted the appeal in part:

It is ordered, That the following portions of the Initial Decision of the Administrative Law Judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission: pp. 3–9 (except for findings 18, p. 9); pp. 9–7 (except for the second full sentence on p. 17); pp. 17–20 (except for the last full paragraph on p. 19 and the carryover paragraph, pp. 19–20).

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is entered:

ORDER

A. *It is ordered*, That respondents Carpets "R" Us, Inc., a corporation, its successors and assigns, and its officers, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying, for a period of three (3) years following the date of publication of any advertisement, adequate records to document for the entire period during which each advertisement was run and for a period of six (6) weeks after the termination of its publication in press or broadcast media:

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

(a) The cost of publishing each advertisement including the preparation and dissemination thereof;

(b) The volume of sales made of the advertised product or service at the advertised price; and

(c) A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the price for additional quantities of such carpet under the same conditions.

7. Using the words "Sale", "Savings Now", "Clearance", or any other word or words of similar import or meaning not set forth specifically herein, unless the price of such merchandise or service being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise or service was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent regular course of their business or, if the merchandise or service is being newly introduced, from the actual bona fide price respondents in good faith plan to establish when the temporary period of the opening sale is ended.

8. Representing, directly or indirectly, orally or in writing, that any amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

9. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

10. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

11. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

12. Failing to maintain and produce for inspection or copying, for a period of three (3) years following the date on which any savings claims, sales claims, or other similar representations are made, adequate records (a) which disclose the facts upon which any savings claims, sale claims, price or value claims and other similar representations as set forth in Paragraph 7, 8, 9, 10, and 11 of this Order are based, and (b) from which the validity of any such representations can be determined.

13. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

14. Representing, directly or indirectly, orally or in writing, that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining (rather than at a regular price) or where, although there may be a regular price, but other material factors such as quantity, quality, or size are arrived at through bargaining.

15. Representing, directly, or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three (3) such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sales in that area of the product or service in the amount, size, or quality promoted with the "free" offer shall not exceed fifty percent (50%) of the total volume of its sales in that area of the product or service in the same amount, size, or quality.

16. Advertising any carpeting or floor covering using as the unit of measurement square feet, unless the unit of measurement square yards is also employed in immediate conjunction therewith and with equal prominence, or using any spatially descriptive term or terms, such as "three rooms", if those terms tend to exaggerate the size of quantity of carpeting being offered at the advertised price.

17. Contracting for any sale, whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

18. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and, in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of ten points, a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

19. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, *e.g.*, Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the Seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the Seller regarding the return shipment of the goods at the Seller's expense and risk.

If you do make the goods available to the Seller and the Seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If if you fail to make the goods available to the Seller, or if you agree to return the goods to the Seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____,

(Name of seller)

at _____

(address of seller's place of business)

not later than midnight of _____.

(date).

I hereby cancel this transaction.

_____

(Date)

_____

(Buyer's signature)

20. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by

which the buyer may give notice of cancellation.

21. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Order including specifically his right to cancel the sale in accordance with the provisions of this Order.

22. Failing to inform each buyer orally, at the time he signs the contract or purchases the good or services, of his right to cancel.

23. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

24. Failing or refusing to honor any valid notice of cancellation by a buyer and, within ten (10) business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

25. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

26. Failing, within ten (10) business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, That nothing contained in Part I of this Order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent with the provisions of this Order, the Commission, upon proper showing, shall make such modifications as may be warranted.

B. *It is further ordered* That respondents Carpets "R" Us, Inc., a corporation, its successors and assigns, and its officers, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

a. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

b. Falsely and deceptively advertising textile products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under Sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth, in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisements.

4. Using a fiber trade-mark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain, for at least a one (1) year period, copies of all advertisements, including newspaper, radio, and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion, or sale of carpeting or floor coverings and other merchandise, and make such materials available to the Commission staff for inspection and copying upon reasonable notice.

It is further ordered, That respondents shall provide each advertising agency utilized by respondents to obtain leads for the sale of carpeting or floor coverings, or to advertise, promote, or sell carpeting or floor coverings and other merchandise, with a copy of this Order.

It is further ordered, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions, if any.

It is further ordered, That respondents deliver a copy of this Order to all present and future personnel of respondents engaged in the sale or offering for sale of any product, in the consummation of any extension of consumer credit, or in any aspect of the preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That, for ten years following the effective date of this Order, each individual respondent named herein promptly notify the Commission of every discontinuance of the respondent's business or employment and of every affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement as to the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with that business or employment.

Opinion of the Commision by Commissioner Nye.

The Final Order was issued by the Commission Feb. 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9209 Filed 3-31-76;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARD FOR SWIMMING POOL SLIDES

Establishment of Standards

Correction

In FR Doc. 76-8618 appearing at page 12638 in the FEDERAL REGISTER of Friday, March 26, 1976, in § 1207.5(d) (2) (ii) in the second column, 2nd line, insert a comma after the word "steps".

In the 8th line of (d) (2) (ii) the letter, in quotes following the word "distance", should be the letter "l" in italics.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950.....)

Deductions; Reductions; Nonpayments; Increases Contribution and Benefit Base

Section 230 of the Social Security Act (42 U.S.C. 430) requires the Secretary to publish in the FEDERAL REGISTER, on or before November 1 of each calendar year in which he increases benefits effective with the month of June, the new contribution and benefit base with respect to remuneration paid in, and taxable years beginning in, the following calendar year. Therefore, on October 30, 1975, there was published in the FEDERAL REGISTER (40 FR 50556) a notice setting

the contribution and benefit base for calendar year 1976 at $15,300. The proposed amendment to § 404.429(c), which defines "earnings" for purposes of deductions because of post-retirement-work, is only to reflect in the regulations this revised contribution and benefit base. Amendments to §§ 404.1027, 404.1068, and 404.1410, which relate to amount of earnings creditable for benefit purposes, are under consideration and proposed revisions to these sections will be published soon. Although § 404.429(c) makes clear that all of an individual's wages are to be considered in retirement test computations it is not reflective of the exempt amount of earnings allowed prior to reduction of benefits because of excess earnings.

Inasmuch as the purpose of the amendment set forth below is merely to update the regulations by including therein this amount which is mandated by the statute, the Secretary finds that publication with notice of proposed rulemaking under 5 U.S.C. 553(b) and publication not less than 30 days prior to the effective date under 5 U.S.C. 553(d), are unnecessary.

Effective date. This amendment becomes effective upon April 1, 1976.

(Secs. 205, 230, and 1102 of the Social Security Act, 53 Stat. 1368, as amended, 86 Stat. 416, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405, 430, and 1302.)

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security-Disability Insurance; 13.803, Social Security-Retirement Insurance; 13.805, Social Security-Survivors Insurance.)

Dated: March 12, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 26, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is further amended as follows:

Paragraph (c)(1) of § 404.429 is revised to read as follows:

§ 404.429 Earnings; defined.

* * * * *

(c) *Wages defined.* Wages include the gross amount of an individual's wages rather than the net amount paid after deductions by the employer for items such as taxes and insurance. For purposes of this section, an individual's wages are determined under the provisions of Subpart K of this part, except that, notwithstanding the provisions of Subpart K, wages also includes:

(1) Remuneration of over $15,300 in the calendar year 1976, or over $14,100 in the calendar year 1975, or over $13,200 in the calendar year 1974, or over $10,800 in the calendar year 1973, or over $9,000 in the calendar year 1972, or over $7,800 in a calendar year 1968 through 1971, or over $6,600 in calendar years 1966 and 1967, or over $4,800 in a calendar year 1959 through 1965, or over $4,200 in a calendar year 1955 through 1958, or over $3,600 in a calendar year 1951 through 1954; and

* * * * *

[FR Doc.76-9344 Filed 3-31-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.720]

PART 16—FOREIGN SERVICE GRIEVANCE SYSTEM

Foreign Service Grievance Regulations

A new Part 16 is added to Title 22 of the Code of Federal Regulations to implement Foreign Service grievance procedures as established under Title VI of the Foreign Service Act of 1946, as amended by Pub. L. 94-141 (89 Stat. 765) and section 10 of Executive Order 11636 (36 FR 24901, December 17, 1971).

This part establishes grievance procedures for Foreign Service employees of the Department of State, the Agency for International Development, and the U.S. Information Agency.

In view of the imminence of the present compliance date, and since these regulations relate to internal Departmental and Foreign Affairs agency organization, personnel procedures and practices, notice and public procedure thereon are found impractical and unnecessary and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

The new Part 16 of Title 22 of the Code of Federal Regulations will read as set forth below:

Sec.

16.1 Definitions.
16.2 General provisions.
16.3 Access to records.
16.4 Time limits for grievance filing.
16.5 Relationship to other remedies.
16.6 Security clearances.
16.7 Agency procedures.
16.8 Agency review.
16.9 Records.
16.10 Foreign Service Grievance Board.
16.11 Grievance Board consideration of grievances.
16.12 Hearing.
16.13 Decisions.
16.14 Reconsideration of a grievance.
16.15 Judicial review.
Appendix A—Statutory Appeals Procedures for Foreign Service Personnel

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 94-141 (89 Stat. 765); 22 U.S.C. 1037; sec. 10 of E.O. 11636 (36 FR 24901).

§ 16.1 Definitions.

(a) "Act" means the Foreign Service Act of 1946, as amended.

(b) "Grievant" means any officer or employee of the Service who is a citizen of the United States; or for purposes of paragraphs (c) (7) and (8) of this section, a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee.

(c) "Grievance" means any act or condition subject to the control of the Foreign Affairs agencies (the Department of State, the Agency for International Development, or the U.S. Information Agency) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation or is otherwise a source of concern or dissatisfaction to the grievant, including, but not limited to the following:

(1) Complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission or any relevant and material document), error, or falsely prejudicial character of any part of the grievant's official personnel record;

(2) Other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status;

(3) Allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties;

(4) Dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment;

(5) Alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file;

(6) Action alleged to be in the nature of reprisal or other interference with freedom of action in connection with an employee's participation under these grievance procedures;

(7) When the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of the Act within 6 years prior to December 1, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

(8) When the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously or contrary to applicable law or regulation.

(d) Grievance does not include the following:

(1) Complaints against individual assignment or transfers of Foreign Service officers or employees, which are ordered in accordance with law and regulation (see also paragraph (c) (2) of this section);

(2) Judgments of Selection Boards rendered pursuant to section 623 of the Act, or of equivalent bodies, in ranking Foreign Service officers and employees for promotion on the basis of merit, or judgments in examinations prescribed by the Board of Examiners pursuant to sections 516 or 517 of the Act (see also paragraph (c) (2) of this section);

(3) Termination of time-limited appointments pursuant to 22 U.S.C. 929 and 1008, and the pertinent regulations prescribed by the employing agency (see also paragraph (c)(2) of this section);

(4) Any complaints or appeals for which a specific statutory appeals procedure exists (see Appendix A for examples).

A grievance filed under these procedures may be based on matters for which there is a specific statutory appeals procedure which is applicable to the Foreign Service grievant. Should the jurisdiction of the Grievance Board over a specific grievance be placed into question on grounds that the basis of the grievance is not encompassed within the Board's authority (§ 16.1(d)(4) and Appendix A), the Board shall consult with the other statutory body concerned, transmitting the views of the parties concerned before determining whether it has jurisdiction.

(e) "Employee organization" means any employee organization accorded recognition as the exclusive employee representative pursuant to Executive Order 11636 dated December 17, 1971.

(f) "Grievance Board" or "Board" means the full Foreign Service Grievance Board, or a Panel or member thereof, as appropriate.

(g) "Party" means the grievant or the Foreign Affairs agency having control over the act or condition forming the subject matter of the grievance.

(h) "Bureau" means equivalent organizational elements in State and USIA, and includes offices in AID.

(i) "Days" means calendar days.

§ 16.2 General provisions.

(a) *Statement of purpose.* These regulations establish procedures as required by law to provide Foreign Service officers and employees (and their survivors) of the Foreign Affairs agencies, a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors. No regulation promulgated in this part shall be interpreted or applied in any manner which would alter or abridge the provisions of the due process established by the Congress in Pub. L. 94-141, 22 U.S.C. 1037, section 691.

(b) *Discussion of complaints.* (1) Every effort should be made to settle any employee complaint informally, promptly, and satisfactorily.

(2) Supervisors and other responsible officers should encourage employees to discuss complaints with them and should respond in a timely manner to resolve the complaints.

(3) An employee initially should discuss a complaint with the employee's current supervisor or with the responsible officer who has immediate jurisdiction over the complaint to give that person an opportunity to resolve the matter, before further steps are taken under these procedures.

(c) *Guidance.* Nothing in these procedures prevents a grievant from seeking guidance from any official who might be helpful respecting the submisston of a grievance or its resolution.

(d) *Freedom of action.* (1) Any grievant, witness, representative or other person involved in a proceeding hereunder shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The Foreign Affairs agencies recognize their obligation to insure compliance with this section. Any person involved or having immediate knowledge of any alleged breach of this section should call it to the attention of the pertinent foreign affairs agency through appropriate channels for corrective action as necessary. Normally such allegations should be brought to the attention of the senior agency official at the post; and at Washington, D.C., to the Director, Grievance Staff for State; Chief, Employee Relations Branch for AID and Chief, Employee-Management Relations Division for USIA.

(2) The grievant has the right to a representative of the grievant's own choosing at every stage of the proceedings. The grievant and representative(s) who are under the control, supervision, or responsibility of the Foreign Affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance.

(3) Any witness under the control, supervision, or responsibility of a Foreign Affairs agency shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

(4) The Foreign Service Grievance Board established hereunder shall have authority to ensure that no copy of the determination of the agency head or designee to reject a Grievance Board recommendation, no notation of the failure of the Grievance Board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the Grievance Board as a remedy for the grievance) or those of any other officer or employee connected with the grievance. The Foreign Affairs agencies shall maintain grievance records under appropriate safeguards to preserve confidentiality (§ 16.9).

§ 16.3 Access to records.

(a) *Grievance Board records.* The grievant and the grievant's representative shall have access to the record of proceedings, including the decision of the Board.

(b) *Agency records.* (1) In considering the validity of a grievance, the Grievance Board shall have access, to the extent permitted by law, to any agency record considered by the Board to be relevant to the grievant and the subject matter of the grievance.

(2) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate the grievance and which the agency or the Grievance Board determines is relevant and material to the proceeding. When deemed appropriate by the agency or the Board, a grievant may be supplied with only a summary or extract of classified material. If a request by a grievant for a document is denied prior to or during the agency's consideration of a grievance, such denial may be raised by the grievant as an integral part of the grievance before the Board.

(3) These regulations do not require disclosure of any official agency record to the Grievance Board or a grievant where the head of agency or deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

§ 16.4 Time limits for grievance filing.

(a) A grievance concerning a continuing practice or condition may be presented at any time if its adverse effect is presently continuing. Documents contained in official employee personnel files, for example, shall be deemed to constitute a continuing condition.

(b) Subject to paragraph (a) of this section, a grievance under these regulations is forever barred, and the Grievance Board shall not consider or resolve the grievance, unless the grievance is presented within a period of 3 years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than 2 years prior to the effective date of these regulations, the grievance shall be so barred, and not considered and resolved, unless it is presented within a period of 2 years after the effective date of these regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if the grievant had exercised, as determined by the Grievance Board, reasonable diligence.

(c) A grievance shall be deemed presented to the responsible official (§ 16.7(b)), transmitted to post or bureau (§ 16.7(c)) submitted for agency review (§ 16.8) or filed with the Grievance Board § 16.11(a):

(1) On the date of its dispatch by telegram, registered or certified mail, or receipted mail, in a diplomatic pouch;

(2) On the date of its arrival at the appropriate office, if delivered by any other means.

§ 16.5 Relationship to other remedies.

(a) A grievant may not file a grievance under these procedures if the grievant has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved and relief be provided, under another provision of law, regulation, or Executive Order, and the matter has been carried to final decision thereunder on its merits or is still under consideration.

(b) If a grievant is not prohibited from filing a grievance under these regulations by paragraph (a) of this section, the grievant may file under these regulations notwithstanding the fact that such griev-

ance may be eligible for consideration, resolution, and relief under a regulation or Executive Order other than under these regulations, but such election of remedies shall be final upon the acceptance of jurisdiction by the Board.

§ 16.6 Security clearances.

The agencies shall use their best endeavors to expedite security clearances whenever necessary to ensure a fair and prompt investigation and hearing.

§ 16.7 Agency procedures.

(a) *Initial consideration.* (1) Grievances shall be considered through the steps provided in this section before they are filed with the Grievance Board.

(2) During the pendency of agency procedures under this section, the grievant may request a suspension of the proposed action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses or allowances, which is related to the grievance. The request must be in writing and addressed to the responsible official of the agencies, as designated in § 16.8(a)(2) stating the reasons for such suspension. If the request is related to separation or termination of the grievant, and the agency considers that the grievance is not frivolous and is integral to the proposed action, the agency shall suspend its proposed action until completion of agency procedures, and for a period thereafter if necessary, consistent with paragraph (a) of § 16.11, to permit the grievant to file a grievance with the Board, and to request interim relief under paragraph (c) of § 16.11. If a request is denied, the agency shall provide the grievant in writing the reason for denial. Nothing in these regulations shall be deemed to preclude an employee from requesting the suspension of any proposed action.

(b) *Consideration by responsible officer.* (1) While every effort should be made to resolve a complaint by an initial discussion between an employee and the supervisor or responsible officer, an employee may present the complaint as a grievance by submitting it in writing, to that person. (The term "responsible officer" as used herein includes any appropriate officer who has immediate jurisdiction over the complaint.) The presentation shall include a description of the act or condition which is the subject of the grievance; its effect on the grievant; any provision of law, regulation, or agency policy which the grievant may believe was violated or misapplied; any documentary evidence readily available to the grievant on which the grievance rests; the identity of individuals having knowledge of relevant facts; and a statement of the remedial action requested.

(2) The responsible officer, whenever possible, shall use independent judgment in deciding whether the grievance is meritorious and what the resolution of it should be. Within 15 days from receipt of the written grievance, the responsible officer shall provide the grievant with a written response, which shall include a statement of any proposed resolution of the grievance.

(3) If the response denies in whole or in part the remedial action requested, such response shall notify the grievant of the time within which to appeal the decision, and the identity of the senior official, or designee, to whom the appeal should be addressed. In those cases in which the senior official, or designee, is the responsible officer to whom the grievance was initially presented or has participated in the decision process and has formally approved the written response of the responsible officer, the grievant shall be so notified and advised that the grievance may be submitted directly to the agency for review under § 16.8.

(c) *Bureau or post review.* (1) If the responsible officer's written response does not resolve the grievance to the grievant's satisfaction, within 10 days of receiving it (or, if no response is received, within 25 days after first presenting the grievance), the grievant may pursue the grievance by transmitting it in writing to the senior official, or the designee in the bureau or post which has authority to resolve the grievance. The written transmission shall include all the information required by § 16.7(b)(1) and copies of any correspondence under § 16.7(b)(2) and (3).

(2) Within 15 days from receipt of the grievance that official shall provide the grievant with a written decision, including any proposed resolution of the grievance. If the decision denies in whole or in part the remedial action requested, the communication shall notify the grievant of the time within which to submit the grievance for agency review and the identity of the appropriate agency official to whom the grievance should be addressed.

§ 16.8 Agency review.

(a) *Submission.* (1) An employee may submit the grievance for agency review if the grievance (a) is not within the jurisdiction of a post or bureau, or (b) the grievance has been considered but not resolved to the grievant's satisfaction within the post or bureau as provided in § 16.7(c) within 10 days after receipt of the post's or bureau's decision (or, if no response is received, within 25 days after presenting it to the senior official or the designee). The grievant shall submit it in writing to the responsible official of the agency which has control of the act or condition which is the subject of the grievance.

(2) *Responsible officials.* The responsible officials of the agencies are the Deputy Assistant Secretary for Personnel (State), the Director of Personnel and Manpower (AID), and the Chief, Employee-Management Relations Division (USIA).

(3) *Contents.* (i) A request for agency review shall include a description of the act or condition which is the subject of the grievance; its effect on the grievant; any provision of law, regulation or agency policy which the grievant may believe was violated or misapplied; copies of any correspondence under § 16.7(a), any documentary evidence readily available to the grievant on which the grievance rests; the identity of individuals having knowledge of relevant facts; and a statement of the remedial action requested.

(ii) The responsible official shall review the grievance on the basis of available documentary evidence, and, in that official's discretion, interview persons having knowledge of the facts. The agency review shall be completed and its decision dispatched within 90 days from the date of the initial written presentation of the grievance. The grievant shall be informed in writing of the findings of the responsible official and any proposed resolution of the grievance. The communication shall also include the time within which the grievant may file a grievance with the Grievance Board and the appropriate procedure to be followed in this respect.

§ 16.9 Records.

All official records concerning agency consideration of grievances, except those appropriate to implementation of decisions favorable to grievants, shall be kept separate from the official personnel record of the grievant and any other individuals connected with the grievance, and shall not be accessible to agency personnel other than the grievant, the grievant's representative, and those responsible for consideration of grievances.

§ 16.10 Foreign Service Grievance Board.

(a) *Establishment and composition.* There is hereby established a Foreign Service Grievance Board for the Department of State, the Agency for International Development and the U.S. Information Agency to consider and resolve grievances under these procedures.

(b) The Grievance Board shall consist of not less than 5 members nor more than 15 members (including a chairperson) who shall be independent, distinguished citizens of the United States, well known for their integrity, who are not active officers, employees, or consultants of the Foreign Affairs agencies (except consultants who served as public members of the Interim Grievance Board previously established under section 660, Volume 3, Foreign Affairs Manual) but may be retired officers or employees. On its initial establishment, the Board shall consist of 15 members including the chairperson.

(c) The Board may act by or through panels or individual members designated by the chairperson, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Reference in these regulations to the Grievance Board shall be considered to be reference to a panel or member of the Grievance Board where appropriate. All members of the Grievance Board shall act as impartial individuals in considering grievances.

(d) The members of the Grievance Board, including the chairperson, shall be appointed by the Secretary of State after being designated by the written

agreement of the Foreign Affairs agencies and the employee organization.

(e) The Board chairperson and other members shall be appointed for terms of 2 years, subject to renewal upon the agreement of the Foreign Affairs agencies and the employee organization; except that the terms of 7 of the initially appointed members shall expire at the end of one year.

(f) Any vacancies shall be filled by the Secretary of State upon the nomination by the Board following the agreement of the agencies and the employee organization.

(g) *Compensation.* Members, including the chairperson, who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the Grievance Board (including travel time) at the daily rate paid an individual at GS–18 level of the General Schedule under section 5332 of Title 5 of the United States Code.

(h) *Removal.* Grievance Board members shall be subject to removal by the Secretary of State for corruption, other malfeasance, or the demonstrated incapacity to perform their functions. No member shall be removed from office until after the Board of the Foreign Service has conducted a hearing and made its recommendations in writing to the Secretary of State, except where the right to a hearing is waived in writing. The Board of the Foreign Service shall provide a member with full notice of the charges against that member, and afford a member the right to counsel, to examine and cross-examine witnesses, and to present documentary evidence.

(i) *Grievance Board procedures.* In accordance with Part J, Title VI of the Act, the Board may adopt regulations concerning the organization of the Board and such other regulations as may be necessary to govern its proceedings.

(j) *Board facilities and staff support.* The Grievance Board may obtain facilities, services, and supplies through the general administrative services of the Department of State. All expenses of the Board, including necessary costs of the grievant's travel and travel-related expenses, shall be paid out of funds appropriated to the Department for obligation and expenditure by the Board. At the request of the Board, officers and employees on the rolls of the Foreign Affairs agencies may be assigned as staff employees to the Grievance Board. Within the limit of appropriated funds, the Board may appoint and fix the compensation of such other employees as the Board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the Grievance Board and the Board shall prepare the performance evaluation reports for such officers and employees. The records of the Grievance Board shall be maintained by the Board and shall be separate from all other records of the Foreign Affairs agencies.

§ 16.11 Grievance Board consideration of grievances.

(a) *Filing of grievance.* A grievant whose grievance is not resolved statisfactorily under agency procedures (§ 16.7) shall be entitled to file a grievance with the Grievance Board no later than 60 days after receiving the agency decision. In the event that an agency has not provided its decision within 90 days of presentation, the grievant shall be entitled to file a grievance with the Grievance Board no later than 150 days after the date of presentation to the agency. The Board may extend or waive, for good cause, the time limits stated in this section.

(b) *Exhaustion of agency procedures.* In the event that the Grievance Board finds that a grievance has not been presented for agency consideration or that a grievance has been expanded or modified to include materially different elements, the Board shall return the grievance to the official responsible for final agency review unless the agency waives any objection to Board consideration of the grievance without such review.

(c) *Prescription of interim relief.* If the Grievance Board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board, and that such action should be suspended, the agency shall suspend such action until the Board has ruled upon the grievance. *Notwithstanding* such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when such exclusion is determined in writing to be essential to the functioning of the post or office to which the officer or employee is assigned.

(d) *Inquiry into grievances.* The Board shall conduct a hearing at the request of a grievant in any case which involves disciplinary action, or a grievant's retirement from the Service under sections 633 and 634 of the Act, or which in the judgment of the Board can best be resolved by a hearing or by presentation of oral argument. In those grievances in which the Board holds no hearing, the Board shall offer to each party the opportunity to review and to supplement, by written submission, the record of proceedings prior to its decision.

§ 16.12 Hearing.

(a) *Appearances and representation.* The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of agency representatives, are entitled to be present at the hearing. The Grievance Board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others.

(b) *Conduct of hearing.* (1) Testimony at a hearing shall be given by oath or affirmation which any Board member or person designated by the Board shall have authority to administer.

(2) Each party shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and to serve interrogatories upon another party and have such interrogatories answered by the other party unless the Board finds such interrogatory irrelevant or immaterial. Upon request of the Board, or upon a request of the grievant deemed relevant and material by the Board, an agency shall promptly make available at the hearing or by deposition any witness under its control, supervision or responsibility, except that if the Board determines that the presence of such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing, with necessary costs and travel expenses provided by the agency.

(3) During any hearings held by the Board, any oral or documentary evidence may be received but the Board shall exclude any irrelevant, immaterial, or unduly repetitious evidence normally excluded in hearings conducted under the Administrative Procedures Act (5 U.S.C. 556).

(4) A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings.

§ 16.13 Decisions.

(a) Upon completion of the hearing or the compilation of such record as the Board may find appropriate in the absence of a hearing, the Board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the Board shall be in writing, shall include findings of fact, and shall include the reasons for the Board's decision.

(b) If the Grievance Board finds that the grievance is meritorious, the Board shall have the authority within the limitations of the authority of the head of the agency, to direct the agency:

(1) To correct any official personnel record relating to the grievant which the Board finds to be inaccurate, erroneous, or falsely prejudicial;

(2) To reverse an administrative decision denying the grievant compensation including related within-class salary increases pursuant to section 625 of the Act or any other perquisite of employment authorized by law or regulation when the Board finds that such denial was arbitrary, capricious, or contrary to law or regulation;

(3) To retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved;

(4) To reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted;

(5) To order an extension of the time of an employee's eligibility for promotion to a higher class where the employee suffered career impairment in consequence of the matter by which the employee is aggrieved;

(6) To order that an employee be provided with facilities relating to the physical working environment which the employee has been denied arbitrarily, capriciously or in violation of applicable regulation.

(c) Such orders of the Board shall be final, subject to judicial review as provided for in section 694 of the Act, except that reinstatement of former officers who have filed grievances under § 16.1(c)(7) shall be presented as Board recommendations, the decision on which shall be subject to the sole discretion of the agency head or designee, who shall take into account the needs of the Service in deciding on such recommendations, and shall not be subjected to judicial review under section 694 of the Act. The reason(s) for the agency head's (or designee's) decision will be conveyed in writing to the Board and the grievant.

(d) If the Board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant, or to other remedial action, including additional step increases, not provided for in paragraph (b) of § 16.13, or if the Board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the Board's proceedings, including the transcript of the hearing, if any. The head of the agency (or designee, who shall not have direct responsibility for administrative management) shall make a written decision to the parties and to the Board on the Board's recommendation within 30 days from receipt of the recommendation. A recommendation of the Board may be rejected in part or in whole if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the Board's recommendation in part or in whole, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communications concerning the grievance between the agency head, or designee, and any person involved in the grievance proceeding.

§ 16.14 Reconsideration of a grievance.

A grievant whose grievance is found not to be meritorious by the Board may obtain reconsideration by the Board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the Board and then only upon approval of the Board.

§ 16.15 Judicial review.

Any aggrieved party may obtain judicial review of these regulations, and revisions thereto, and final actions of the agency head (or designee) or the Grievance Board hereunder, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of Title 5 of the United States Code. Section 706 of Title 5 shall apply without limitation or exception.

Effective date. This Part became effective March 26, 1976.

Dated: March 26, 1976.

For the Secretary of State.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Statutory appeals procedures for Foreign Service personnel [1]

Action or decision	Taken by—	Appealable to—	Statutory reference	Hearing	Implementing regulations
1. Separation for cause	Agency	Agency	22 U.S.C. 1007. (See also item 3.)	Yes [2]	State: 3 FAM 760; AID: M.O. 474.3, 478.3; USIA: MOA V-B-770.
2. Separation for performance—AID	AID	do	22 U.S.C. 2385(c)	Yes [2]	AID Handbook 30, ch. 2.
3. Adverse action against FSR and FSS preference eligibles who have completed 1 year of current continuous employment.	Agency	FEAA	5 U.S.C. 7701	Yes	5 CFR 752.203.
4. Adverse action for political activity	do	Civil Service Commissioners.	5 U.S.C. 7321, 7325	Yes	5 CFR 733.201-733.204.
5. Discrimination	do	Agency/then ARB.	29 U.S.C. 633a, 42 U.S.C. 2000e-16.	Yes	5 CFR 713.221, 713.521.
6. Denial of life insurance coverage	do	ARB	5 U.S.C. 8716(a)	No	5 CFR 870.205.
7. Denial of Federal employee benefits coverage:					
a. Employees/annuitants	Agency or CSC carrier.	ARB	5 U.S.C. 8913(a)	No	5 CFR 890.103.
b. Retirees	do	ARB	5 U.S.C. 8913(a)	No	5 CFR 891.105.
c. Claims review	do	CSC (BRIOH)	5 U.S.C. 8902(j)	No	5 CFR 890.105.
8. Reduction in force, FSR, FSRU, FSS	Agency	FEAA	5 U.S.C. 1302, 3502	Yes (preference eligibles only).	5 CFR 351.901.
9. Restoration after injury on job	do	FEAA	5 U.S.C. 8151	No	5 CFR 353.401.
10. Restoration after military duty	do	FEAA	62 Stat. 614; 50 U.S.C. App. 459.	No	5 CFR 353.401.
11. Reemployment/reinstatement eligibility:					
a. After removal for security		CSC (BPI)	5 U.S.C. 3301, 3302, 7312	No	5 CFR 732.401.
b. After removal for suitability		FEAA	5 U.S.C. 3301, 3302, 7301	No	5 CFR 731.401.
12. Denial of reemployment or reinstatement rights:					
a. Executive agency transfer	Agency	FEAA	5 U.S.C. 3101; note, 3301	No	5 CFR 352.209.
b. International organization transfer	do	FEAA	5 U.S.C. 3584	No	5 CFR 352.313(a).
c. Foreign Assistance Act transfer	do	FEAA	22 U.S.C. 2385	No	5 CFR 352.508.
13. Civil service retirement	CSC		5 U.S.C. 8347D		
a. Disability		FEAA		Yes	5 CFR 831.1205.
b. Forfeiture of annuities and retired pay		ALJ		Yes [2]	5 CFR 831.1111.
c. Other		ARB		No	5 CFR 831.107.

[1] Included are appeals procedures established in regulations or appropriate authorities outside the agencies to implement or administer responsibilities assigned by statute.

[2] Hearing held before initial decision, not during appellate process.

NOTE.—Abbreviations: ALJ—Administrative Law Judge; ARB—Appeals Review Board; BPI—Bureau of Personnel Investigations, CSC; BRIOH—Bureau of Retirement, Insurance, and Occupational Health; CFR—Code of Federal Regulations; FAM—Foreign Affairs Manual; MOA—Manual of Operations and Administration (USIA); and FEAA—Federal Employees Appeals Authority.

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