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Merit Systems Protection Board
Lack of Quorum and the Inherited Inventory:
Chart of Cases Decided and Cases Pending

Between January 7, 2017, and March 3, 2022, the Merit Systems Protection Board (Board) did not have a quorum of members and therefore could not vote on any petitions for review or other cases requiring action by the Board. At the time the quorum was restored on March 4, 2022, the new Board inherited a case inventory at headquarters of 3,793 cases (the "inherited inventory"). This inventory represents the cases that accumulated during the more than five years that the Board lacked a quorum and was unable to issue Board-level decisions.

The Board began issuing decisions quickly after the quorum was restored and focused initially on issuing a range of decisions in cases that, in its discretion, the Board deemed most critical, including precedential decisions or decisions that otherwise could affect many pending cases; decisions dismissing cases as settled; and many of the oldest pending cases.

For fiscal year 2024 (October 1, 2023, to September 30, 2024), the Board continues to prioritize reducing the number of cases remaining in the inherited inventory, with a focus on issuing decisions in a majority of the 1,000 oldest cases in the inherited inventory, i.e., cases that were filed with the Board before December 2019. The Board also continues to exercise its discretion to decide cases in a way that balances advancement of legal doctrines, efficiency in case processing, and other considerations inherent to adjudicatory decision-making.

The Board tracks progress towards its goal to reduce the inherited inventory by monitoring the total number of cases decided since the quorum was restored and the number of inherited inventory cases remaining.

Data presented in this chart provides a snapshot of the Board's progress in deciding cases at the headquarters level and in reducing the inherited inventory. Official case processing statistics are released through the Board's Annual Reports and Annual Performance Reports-Annual Performance Plans.

Merit Systems Protection Board
Headquarters (HQ) Case Processing Data
Following the Restoration of Board Quorum on March 4, 2022

Date (as of)		Total HQ Cases Decided Since the Restoration of Board Quorum		Number of Inherited Inventory Cases Remaining	Percentage of Inherited Inventory Cases Remaining
03/03/2022				3,793	100%
03/04/2022		**Board Quorum Restored**			
09/30/2022		528*		3,284	87%
10/31/2022		626		3,193	84%
11/30/2022		731		3,093	82%
12/31/2022		784		3,043	80%
01/31/2023		985		2,852	75%
02/28/2023		1,224		2,635	69%
03/31/2023		1,352		2,510	66%
04/30/2023		1,495		2,375	63%
05/31/2023		1,658		2,224	59%
06/30/2023		1,782		2,106	56%
07/31/2023		1,911		1,987	52%
08/31/2023		1,994		1,913	50%
09/30/2023**		2,027		1,884	50%

* Cases decided between 03/04/2022 (when the quorum was restored) through 09/30/2022 (end of Fiscal Year 2022).

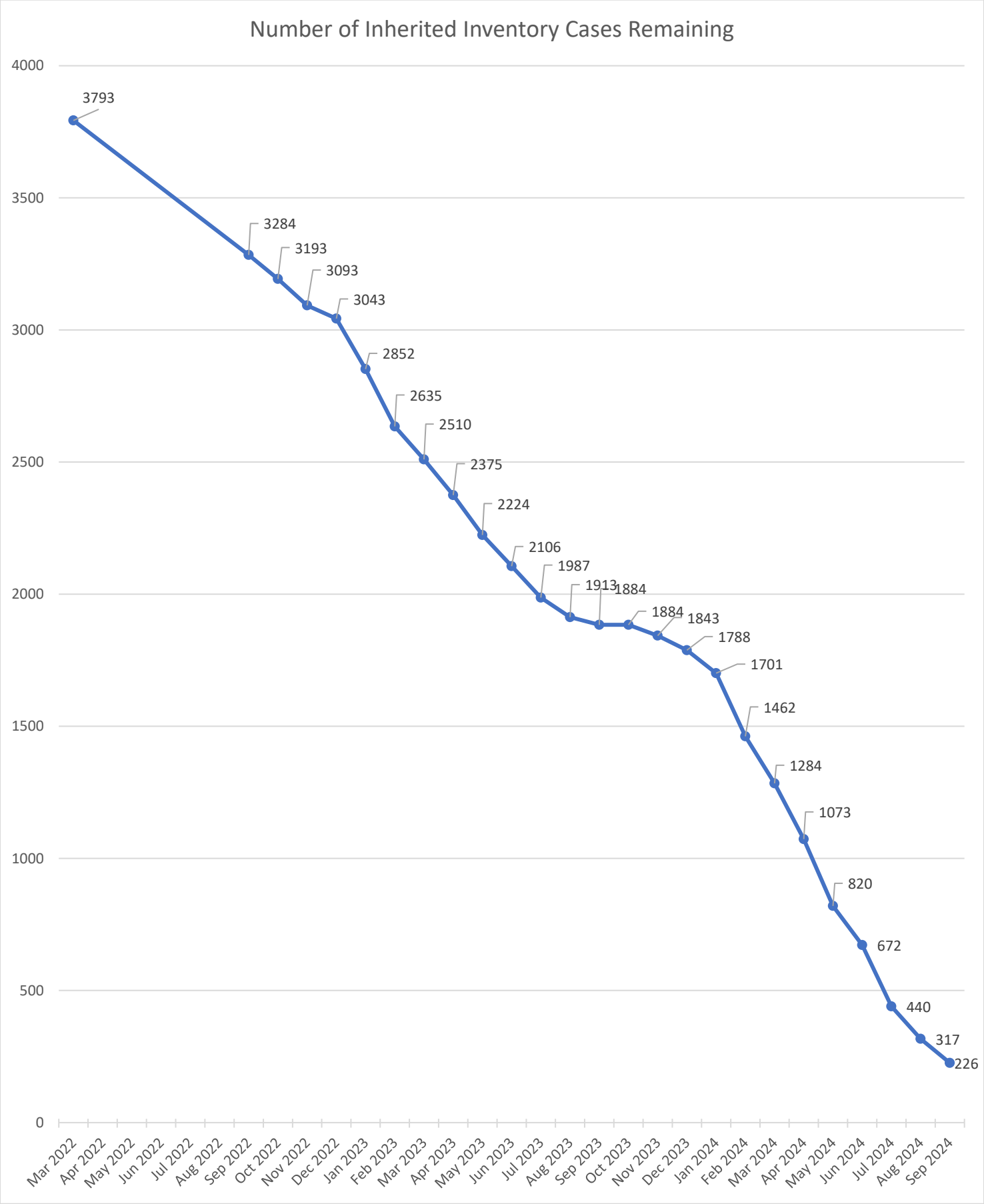
** Data for September 2023 represents case processing only through September 8, 2023, due to the Board's offline transition period that began on September 9, 2023, in preparation for the launch of the Board's new e-Appeal system.

Merit Systems Protection Board
Headquarters (HQ) Case Processing Data
Following the Restoration of Board Quorum on March 4, 2022

Date (as of)		Total HQ Cases Decided Since the Restoration of Board Quorum		Number of Inherited Inventory Cases Remaining	Percentage of Inherited Inventory Cases Remaining
10/31/2023* **		2,027		1,884	50%
11/30/2023		2,099		1,843	49%
12/31/2023		2,176		1,788	47%
01/31/2024		2,296		1,701	45%
02/29/2024		2,560		1,462	39%
03/31/2024		2,856		1,284	34%
04/30/2024		3,193		1,073	28%
05/31/2024		3,524		820	22%
06/30/2024		3,700		672	18%
07/31/2024		3,999		440	12%
08/31/2024		4,228		317	8%
09/30/2024		4,368		226	6%

*** Due to the launch of MSPB's new e-Appeal system on October 16, 2023, the Board resumed issuance of decisions on November 1, 2023.

Figure One


Number of Inherited Inventory Cases Remaining
4000
3500
3000
2500
2000
1500
1000
500
0
3793
3284
3193
3093
3043
2852
2635
2510
2375
2224
2106
1987
1913
1884
1884
1843
1788
1701
1462
1284
1073
820
672
440
317
226
Mar 2022
Apr 2022
May 2022
Jun 2022
Jul 2022
Aug 2022
Sep 2022
Oct 2022
Nov 2022
Dec 2022
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