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**THE OFFICE OF THE GENERAL COUNSEL  
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**DATE:** JAN 13 2010

**TOTAL NUMBER OF PAGES (including cover sheet):** 5

**COMMENTS:**

Re: Hyginus U. Aguzie, Holley C. Barnes, Jenee Etla Hunt-  
O'Neal, and James A. Scott v. OPM  
(Agency Motion For Leave to File A Reply to Appellants'  
Briefs)

UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD

Hyginus U. Aguzie, Holley C. Barnes, Jenee Ella Hunt-O'Neal, and James A. Scott,	)	Docket Nos.
	)	
Appellants,	)	DC-0731-09-0261-R-1
	)	DC-0731-09-0260-R-1
v.	)	AT-0731-09-0240-I-1
	)	CH-0731-09-0578-I-1
Office of Personnel Management,	)	JAN 13 2010
	)	
Agency.	)	
	)	

**AGENCY MOTION FOR LEAVE TO FILE A REPLY TO APPELLANTS'**

**BRIEFS**

The United States Office of Personnel Management (OPM) respectfully requests that the Merit Systems Protection Board (Board) grant it leave to file a reply to the response briefs filed by the appellants in the above-captioned cases.

OPM's brief in this matter was filed on December 7, 2009. The appellants have now filed their response briefs. OPM seeks leave to reply to the arguments presented in the appellants' responses because the issues presented in these cases are issues of first impression that are of compelling importance to OPM's government-wide suitability program. Further, in their briefs, appellants present several arguments that were not contained in the Board's initial order, which itself had sua sponte raised the question of whether OPM's suitability regulations were lawful. It

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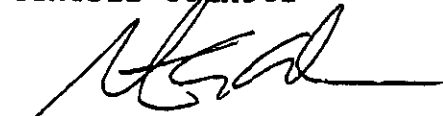
would promote the efficient adjudication of these important issues to allow OPM an opportunity to reply, given that the lawfulness of its regulations have been placed into question by the appellants and the Board's initial order in this case.

OPM requests 14 business days from the date of the Board's decision on this Motion to file its response. OPM called the opposing counsels and the appellants who are not represented to ask if they intend to oppose this Motion. OPM received a response from Mr. Aguzie's representative, John E. Carpenter, Esq., and he stated that he would not oppose the Motion. A message was left for the other parties, but as of the time of this filing, OPM has not received a response.

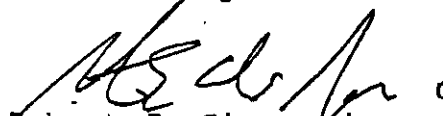
Respectfully submitted,



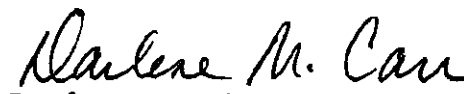
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