

FERC Adjudication Review Board

Duties/Responsibility

General

1. The Security and Safety Office and the Human Resource Division of the Office of the Executive Director are authorized to evaluate information relating to an individual's suitability for employment at the Federal Energy Regulatory Commission (FERC), pursuant to 5 CFR Part 731, and to take an adverse suitability disqualification action against an individual as necessary to promote the efficiency of the Federal service. *See* 5 U.S.C. 3301, 7301, 7502, and 7512.
2. The Security and Safety Office of the Office of the Executive Director is authorized to evaluate information relating to the security criteria cited in 5 CFR Part 732 and, where appropriate, to deny an individual's appointment to a position at FERC or initiate his or her removal from FERC employment. *See* 5 U.S.C. 7532. The removal procedures specified in 5 U.S.C. 7532 are limited to cases involving the interests of national security. Maximum use of other removal procedures of the Office of Personnel Management will be made where such procedures are adequate and appropriate.

Unfavorable Determination

If the final adjudication of the Safety and Security Officer is unfavorable, the individual will be provided administrative due process as described below:

1. The individual shall be informed as to the rights to appeal the decision in writing to the Adjudication Review Board (ARB) within 15 days of the decision of the Security and Safety Officer. In addition to the written appeal, if the individual has not earlier had an opportunity to appear personally before the Safety and Security Officer, the individual shall be informed of his/her right to appear personally before the ARB. The ARB is a high level panel, appointed by the Executive Director, which shall be comprised of at least three members, all of whom shall be selected from outside the security field.

2. The ARB shall review the facts and circumstances of each assigned case and make an independent determination within 15 work days. The ARB determination shall be final.
3. If the individual chooses not to appeal to the ARB, the determination made by the Commission's Security and Safety Officer shall be the final decision and is not subject to further appeal.