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**Subchapter 3A CSRS and FERS  
Part 3A1 General Information**

**Section 3A1.1-1 Overview**

**A. Introduction** This chapter explains the rules that apply to requests for reconsideration and/or appeals of OPM decisions.

**B. Topics Covered** This chapter covers the procedures an individual must follow to request reconsideration of an initial OPM decision or to appeal a final OPM decision.

**NOTE 1:** See Chapter 11, Elections of FERS Coverage, for the procedures an agency must follow in making initial decisions about certain elections to transfer to FERS.

**NOTE 2:** See Chapter 46, Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and National Guard Technicians, for the procedures an agency must follow in making coverage determinations for law enforcement officers and firefighters.

**C. Organization of Subchapter** This subchapter has three parts.

<b>Part</b>	<b>Name of Part</b>	<b>Page</b>
3A1	General Information	1
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**D. Statement of Authority** This chapter and its contents are based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8347(d) and 5 U.S.C. 8461(e)(1)
- Code of Federal Regulations: 5 CFR 831.109-110 and 5 CFR 841.305-309

**Part 3A2 Reconsideration**

**Section 3A2.1-1 Request for Reconsideration**

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- A. General Rule** Generally, any individual whose rights or interests under CSRS or FERS are affected by a decision of OPM may request OPM to review its initial decision.
- A decision is considered an initial decision when rendered by OPM in writing and stating the right of reconsideration.
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- B. Exception: Final Initial Decisions** When circumstances warrant, OPM's initial decision will be issued as a final decision. Such decisions provide a direct appeal right to the Merit Systems Protection Board (MSPB). (See part 3A3.)
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- C. Content of Reconsideration Request** A request for reconsideration must be in writing, must include the individual's name, address, date of birth, and claim number (if applicable), and must state the basis for the request.
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- D. Time Limit on Filing Reconsideration Request** A request for reconsideration must be received by OPM within 30 calendar days from the date of the initial decision.
- OPM may extend the time limit for filing when the individual shows that he or she:
- Was not notified of the time limit and was not otherwise aware of it; or
  - Was prevented by circumstances beyond his or her control from making the request within the time limit.
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- E. Final Reconsideration Decisions** OPM will issue a final reconsideration decision in writing. The decision will set forth the findings and conclusions of the reconsideration in full and contain notice of the right to appeal. (See part 3A3.)
- Copies of the final reconsideration decision will be sent to the individual, to any competing claimants, and where applicable, to the agency.
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**Section 3A2.1-2 Competing Claimants**

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- A. Competing Claimants** Competing claimants are applicants for survivor benefits based on the service of a deceased employee, separated employee, or retiree when:
1. An annuity or lump-sum benefit is payable based on the service of the deceased employee, separated employee, or retiree;
  2. Two or more claimants have applied for an annuity or lump-sum benefit based on the service of the deceased employee, separated employee, or retiree; and
  3. An OPM decision in favor of one claimant will adversely affect another claimant(s).
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- B. Notification Requirement** When a competing claimant files a request for reconsideration, OPM notifies the other competing claimants of the request and gives them an opportunity to submit written substantiation of their claim.
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- C. Final Reconsideration Decisions Involving Competing Claimants** In cases involving competing claimants, OPM will issue a final reconsideration decision in writing. The decision will set forth the findings and conclusions of the reconsideration in full and contain notice of the right of appeal. (See part 3A3.)
- Copies of the final reconsideration decision will be sent to all competing claimants.
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**Part 3A3 Appeal****Section 3A3.1-1 Appeal to the Merit Systems Protection Board (MSPB)**

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**A. General Rule**

An individual whose rights or interests under CSRS or FERS are affected by a final decision of OPM may request MSPB to review the decision in accordance with procedures prescribed by the Board.

**NOTE:** When OPM issues a final decision appealable to MSPB, the decision includes instructions on how to file an appeal.

**EXCEPTION:** An OPM determination that payment of annuity is barred by subchapter II of chapter 83 of title 5, U.S. Code (concerning persons convicted of offenses involving national security violations) is not appealable to MSPB.

**NOTE:** OPM decisions concerning entitlements under the Federal Employees Health Benefits and Federal Employees Group Life Insurance programs are not appealable to MSPB.

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**B. The MSPB**

The MSPB is an independent Government agency created to ensure that all Federal agencies follow Federal merit systems practices, and to allow employees to appeal certain personnel actions by Federal agencies.

**NOTE:** The regulations that describe the organization and procedures of the MSPB are found in 5 CFR Part 1200 et seq.

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