

## **Restructuring Information Handbook Module 9**

### **Voluntary Early Retirement**

#### **Unit C, Voluntary Early Retirement Appeals Index (Draft June 2003 version)**

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**Introduction** The U.S. Office of Personnel Management developed the **Restructuring Information Handbook** to assist Federal agencies in identifying the mandatory statutory and regulatory procedures that apply to restructuring situations.

The Handbook also offers agencies options for minimizing or even eliminating the disruption that often results from restructuring.

There is no requirement for Federal agencies to use this Handbook. Also, the United States Court of Appeals for the Federal Circuit stated in **James v. Von Zemenszky**, 284 F.3D 1310 (2002), that: “. . . OPM’s Restructuring Information Handbook is not a formal regulation, but merely an informal statement of agency views.”

The structure of the Handbook assists the user in locating as much or as little restructuring information as the user needs. Some Modules contain only one **Unit**, while other Modules have two or more Units.

For subjects with mandatory statutory or regulatory requirements, **Unit A (Mandatory Requirements)** provides the user with both a crash course on the subject, and also with detailed information, complete with citations of requirements contained in law and regulation.

When appropriate, **Unit B (Guidance)** provides the user with useful guidance, including key appeals decisions from appellate bodies such as the Merit Systems Protection Board.

The summaries of appeals decisions are guidance prepared by individual OPM employees. The appeals summaries do not represent official summaries approved by OPM, the Board, or other appellate organizations, and are not intended to provide legal counsel or to be cited as legal authority. Instead, the appeals summaries inform and help the user locate relevant appellate precedents on a specific downsizing subject.

U.S. Office of Personnel Management-Division for Strategic Human Resources Policy  
Restructuring Information Handbook Module 9  
Voluntary Early Retirement  
Unit C, Voluntary Separation Incentive Payment Appeals Index (June 2003 version)

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**Unit F (Basic Index to Module)** and **Unit G (Detailed Index to Module)** help the user readily locate information within a specific Module.

Other Modules may contain additional Units, such as **Unit C (Appeals Index)**, and **Unit D (Samples)**.

Finally, Module 1 contains **Unit H, (Detailed Index to the Restructuring Information Handbook)**.

We welcome comments on the Restructuring Information Handbook.

Send any comments and suggestions to the Center for Talent and Capacity Policy at (202) 606-0960; FAX (202) 606-2329; or e-mail Thomas A. Glennon at [taglenno@opm.gov](mailto:taglenno@opm.gov).

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**Contents**

**OPM's Restructuring Information Handbook Modules contain the following topics:**

<b>Topic</b>	<b>Module</b>	<b>Unit(s)</b>
Planning and Alternatives for Restructuring	1	B, F, G, H
Human Resource Responsibilities in Restructuring	2	B, F, G
Reduction in Force	3	A, B, C, D, E, F, G
Transfer of Function	4	A, B, C, F, G
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Reemployment Priority List	6	A, B, C, F, G
Career Transition Assistance	7	A, F, G
Interagency Career Transition Assistance Plan	8	A, F, G
Voluntary Early Retirement	9	A, B, C, F, G
Voluntary Separation Incentive Payments	10	A, B, C, F, G

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**Using the Handbook**

The Modules contain many cross-references to additional pertinent material. To assist in searches, each Module features a unique index system that assists the user in readily locating information in that Module or in the other Modules.

For example, a reference to "**3-A-15-3**" refers to:

- (1) Module 3 ("**Reduction in Force**"),
- (2) Unit A ("**Required Procedures**"),
- (3) Section 15 ("**Credit for Performance in Reduction in Force**"),
- (4) Paragraph 3 ("**Time Period Covered by Employees' Performance Ratings**").

For a second example, a reference to "**3-B-6-5-(b)**" refers to:

- (1) Module 3 ("**Reduction in Force**"),
- (2) Unit B ("**Guidance**"),
- (3) Section 6 ("**Reorganization and Job Erosion**"),
- (4) Paragraph 5 ("**Use of RIF Procedures in Job Erosion Situations**"),
- (5) Subparagraph (b).

All of the Modules use the same index system.

For example, a reference to "**4-A-4-3**" refers to:

- (1) Module 4 ("**Transfer of Function**"),
  - (2) Unit A ("**Required Procedures**"),
  - (3) Section 4 ("**Determining Whether the Transfer of Function Provisions are Applicable**"),
  - (4) Paragraph 3 ("**Basis for Transfer of Function Decisions**").
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## **Restructuring Information Handbook Module 9**

### **VOLUNTARY EARLY RETIREMENT**

#### **Unit C, Voluntary Early Retirement Appeals Index (Draft June 2003 version)**

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**Introduction** Restructuring Information Handbook Module 9 provides guidance on OPM's Voluntary Early Retirement Authority regulations published in sections 831.114 and 842.113 of title 5 of the Code of Federal Regulations. Module 9 consists of five Units: (1) Unit A, "Required Procedures," (2) Unit B, "Guidance," (3) Unit C, "Voluntary Early Retirement Appeals," (4) Unit F, "Basic Index to Module 9," and (5) "Detailed Index to Module 9." This is the June 2003 version of June C.

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BUYOUTS	DEMOTION	PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420	
		RESIGNATION	NO RIGHT TO WITHDRAW	GREEN	GSA	220 F.3D 1313
			NO RIGHT TO WITHDRAW	PERRINE	GSA	81 M.S.P.R. 155
	RIGHT TO WITHDRAW		COOK	DEFENSE	63 M.S.P.R. 270	
	RETIREMENT	ERRONEOUS INFORMATION	ERRONEOUS INFORMATION	GUSTAVSON	ARMY	79 M.S.P.R. 638
			ERRONEOUS INFORMATION	ALDREDGE	TVA	70 M.S.P.R. 141
			NO RIGHT TO WITHDRAW	GREEN	GSA	220 F.3D 1313
			NO RIGHT TO WITHDRAW	PERRINE	GSA	81 M.S.P.R. 155
			NO RIGHT TO WITHDRAW	PERRINE	GSA	81 M.S.P.R. 155
			PRESUMED VOLUNTARY	TERBAN	ENERGY	216 F.3D 1021
			PRESUMED VOLUNTARY	KRIZMAN	MSPB	77 F.3D 434
			RIGHT TO WITHDRAW	GUSTAVSON	ARMY	79 M.S.P.R. 638
			RIGHT TO WITHDRAW	COOK	DEFENSE	63 M.S.P.R. 270
			RIGHT TO WITHDRAW	ALDREDGE	TVA	70 M.S.P.R. 141
SUBSEQUENT VSIP OFFERS			PATRICK	AGRICULTURE	72 M.S.P.R. 509	

<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
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	DISCONTINUED	INVOLUNTARY SEPARATION REQUIRED	ALLEN	POSTAL SERVICE	77 M.S.P.R. 212
	DISCONTINUED SERVICE	IMPROPER CERTIFICATION OF DSR	HATHAWAY	GSA	50 F.3D 21-T
		RESIGNATION ON RIF DATE	MCCANN	NAVY	57 M.S.P.R. 288
		SEPARATION DATE REQUIRED	BEASLEY	OPM	945 F.2D 418-T
		SEPARATION NOT FOR CAUSE	LITZENBERGER	OPM	231 F.3D 1333
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	IN LIEU OF RIF	RIGHT TO APPEAL	DAVIS	HHS	809 F.2D 791
	IN LIEU OF TOF	NO RIGHT TO APPEAL TOF	SWYERS	DLA	7 M.S.P.R. 588
	INVOLUNTARY	APPEAL AS REMOVAL ACTION	BOMER	VA	58 M.S.P.R. 369
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		COERCION	SHOAF	AGRICULTURE	00-3138
		EQUIVALENT TO REMOVAL	HAMMOND	NAVY	954 F.2D 734

<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
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		ERRONEOUS INFORMATION	OGDEN	COMMERCE	61 M.S.P.R. 36
		ERRONEOUS INFORMATION	TORAIN	POSTAL SERVICE	83 F.3D 1420
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		ERRONEOUS INFORMATION	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
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		RIGHT TO WITHDRAW	GUSTAVSON	ARMY	79 M.S.P.R. 638
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		WHISTLEBLOWER IRA CLAIM	SCHAEFFER	NAVY	87 M.S.P.R. 37
		WHISTLEBLOWING	SHOAF	AGRICULTURE	00-3138
	NO RIGHT TO WITHDRAW	DISRUPTION TO AGENCY	GREEN	GSA	220 F.3D 1313
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	RECORDS	ACCURACY	KOLSTAD	AGRICULTURE	30 M.S.P.R. 143

<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
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	PRESUMED VOLUNTARY	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353	

<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
RETIREMENT	VOLUNTARY	PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420
		PRESUMED VOLUNTARY	ALDREDGE	TVA	70 M.S.P.R. 141
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<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
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<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
VOLUNTARY	CHOICE	REASSIGNMENT OR RETIREMENT	STAATS	POSTAL SERVICE	99 F.3D 1120
		TWO UNPLEASANT CHOICES	STAATS	POSTAL SERVICE	99 F.3D 1120
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		TWO UNPLEASANT CHOICES	MUELLER	POSTAL SERVICE	76 F.3D 1198
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		COERCION	HARTMAN	TREASURY	79 M.S.P.R. 576
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		PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420
		PRESUMED VOLUNTARY	OWEN	ARMY	74 M.S.P.R. 71
		PRESUMED VOLUNTARY	ROCHE	POSTAL SERVICE	67 M.S.P.R. 141
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	DISCONTINUED SERVICE RETIREMENT	COERCED	ROGERS	ARMY	88 M.S.P.R. 610
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<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
VOLUNTARY	RESIGNATION	ERRONEOUS INFORMATION	PEREZ	NAVY	86 M.S.P.R. 168
		ERRONEOUS INFORMATION	OGDEN	COMMERCE	61 M.S.P.R. 36
		PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420
		PRESUMED VOLUNTARY	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
		RIGHT TO WITHDRAW	COOK	DEFENSE	63 M.S.P.R. 270
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		APPELLATE REVIEW	GONZALEZ	TRANSPORTATION	701 F.2D 36
		APPELLATE REVIEW	HAMMOND	NAVY	954 F.2D 734
		APPELLATE REVIEW	COVINGTON	HHS	750 F.2D 937
		COERCION	SHOAF	AGRICULTURE	00-3138
		COERCION	SHOAF	AGRICULTURE	00-3138
		COERCION	ROGERS	ARMY	88 M.S.P.R. 610
		ERRONEOUS INFORMATION	WILLIAMS	ARMY	49 M.S.P.R. 405
		ERRONEOUS INFORMATION	WEST	POSTAL SERVICE	44 M.S.P.R. 551
		ERRONEOUS INFORMATION	ALDREDGE	TVA	70 M.S.P.R. 141
ERRONEOUS INFORMATION	DUMAS	MSPB	789 F.2D 892		
ERRONEOUS INFORMATION	MCCANN	NAVY	57 M.S.P.R. 288		
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<b>GENERAL SUBJECT-</b>	<b>MORE SPECIFIC-</b>	<b>MOST SPECIFIC-</b>	<b>NAME-</b>	<b>AGENCY-</b>	<b>REFERENCE-</b>
VOLUNTARY	RETIREMENT	PRESUMED VOLUNTARY	BRAVMAN	NAVY	26 M.S.P.R. 169
		PRESUMED VOLUNTARY	ALDREDGE	TVA	70 M.S.P.R. 141
		PRESUMED VOLUNTARY	TERBAN	ENERGY	216 F.3D 1021
		PRESUMED VOLUNTARY	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
		PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420
		PRESUMED VOLUNTARY	KRIZMAN	MSPB	77 F.3D 434
		RIGHT TO WITHDRAW	COOK	DEFENSE	63 M.S.P.R. 270
		SUBSEQUENT VSIP OFFERS	PATRICK	AGRICULTURE	72 M.S.P.R. 509
		WHISTLEBLOWER IRA CLAIM	SCHAEFFER	NAVY	87 M.S.P.R. 37
		WHISTLEBLOWING	SHOAF	AGRICULTURE	00-3138
	WHISTLEBLOWING	SHOAF	AGRICULTURE	00-3138	
	RIF ACTION	NOT EMPLOYEE OPTION	PAYNE	INTERIOR	32 M.S.P.R. 619
		NOT VOLUNTARY ACTION	PAYNE	INTERIOR	32 M.S.P.R. 619
	RIGHT TO APPEAL RIF	RETIREMENT ON RIF DATE	DELANEY	AID	80 M.S.P.R. 146
RETIREMENT ON RIF DATE		MULLEN	NAVY	76 M.S.P.R. 590	
RETIREMENT ON RIF DATE		PUGH	DECA	65 M.S.P.R. 6	
VERA	COERCION	ANDREWS	ARMY	76 M.S.P.R. 147	