

Restructuring Information Handbook Module 10

Voluntary Separation Incentive Payments

Unit C, Voluntary Separation Incentive Payment Appeals Index (Draft April 2003 version)

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
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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.

Contents

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

Topic	Module	Unit(s)
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
Reduction in Force Furlough	5	A, B, C, F, G
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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Introduction Restructuring Information Handbook Module 10 provides guidance on OPM's Voluntary Separation Incentive Payment (VSIP) regulations published in part 576 of title 5 of the Code of Federal Regulations (5 CFR part 576). Module 10 consists of five Units: (1) Unit A, "Required Procedures," (2) Unit B, "Guidance," (3) Unit C, "Voluntary Separation Incentive Payment Appeals," (4) Unit F, "Basic Index to Module 10," and (5) "Detailed Index to Module 10." This is the April 2003 version of Unit C.

Contents This publication contains the following topics:

Topic	Begins at Page
Voluntary Separation Incentive Payment Appeals Index	1

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
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	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

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
RETIREMENT	CHOICE	REASSIGNMENT OR RETIREMENT	STAATS	POSTAL SERVICE	99 F.3D 1120
		TWO UNPLEASANT CHOICES	MUELLER	POSTAL SERVICE	76 F.3D 1198
	DISABILITY	AFTER RIF SEPARATION	SHELTON	US S&A HOME	82 M.S.P.R. 695
	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
	DISCONTINUED SERVICE RETIREMENT	COERCED	ROGERS	ARMY	88 M.S.P.R. 610
	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
		APPELLATE REVIEW	COVINGTON	HHS	750 F.2D 937
		APPELLATE REVIEW	GONZALEZ	TRANSPORTATION	701 F.2D 36
		COERCION	SHOAF	AGRICULTURE	00-3138
		EQUIVALENT TO REMOVAL	HAMMOND	NAVY	954 F.2D 734

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
RETIREMENT	INVOLUNTARY	ERRONEOUS INFORMATION	WILLIAMS	ARMY	49 M.S.P.R. 405
		ERRONEOUS INFORMATION	OGDEN	COMMERCE	61 M.S.P.R. 36
		ERRONEOUS INFORMATION	TORAIN	POSTAL SERVICE	83 F.3D 1420
		ERRONEOUS INFORMATION	KRIZMAN	MSPB	77 F.3D 434
		ERRONEOUS INFORMATION	MALAN	AIR FORCE	55 M.S.P.R. 283
		ERRONEOUS INFORMATION	ALDREDGE	TVA	70 M.S.P.R. 141
		ERRONEOUS INFORMATION	ODEN	OPM	58 M.S.P.R. 249
		ERRONEOUS INFORMATION	PATRICK	AGRICULTURE	72 M.S.P.R. 509
		ERRONEOUS INFORMATION	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
		ERRONEOUS INFORMATION	DUMAS	MSPB	789 F.2D 892
		ERRONEOUS INFORMATION	GUSTAVSON	ARMY	79 M.S.P.R. 638
		REVIEW OF FREE CHOICE	HAMMOND	NAVY	954 F.2D 734
		RIGHT TO WITHDRAW	GUSTAVSON	ARMY	79 M.S.P.R. 638
		STANDARD	BARTHEL	ARMY	38 M.S.P.R. 245
		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
		DISRUPTION TO AGENCY	PERRINE	GSA	81 M.S.P.R. 155
	NOTIFY ELIGIBLE EMPLOYEES OF OPTION	VALID AGENCY OPTION	WAKSMAN	COMMERCE	878 F.2D 1447
	RECORDS	ACCURACY	KOLSTAD	AGRICULTURE	30 M.S.P.R. 143

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
RETIREMENT	RIGHT TO APPEAL RIF	RETIREMENT ON RIF DATE	PUGH	DECA	65 M.S.P.R. 6
		RETIREMENT ON RIF DATE	DELANEY	AID	80 M.S.P.R. 146
		RETIREMENT ON RIF DATE	MULLEN	NAVY	76 M.S.P.R. 590
		RIF ACTION REQUIRED	CARDIN	NAVY	4 M.S.P.R. 2
	RIGHT TO WITHDRAW	AVOIDANCE OF ACTION	EINSTEIN	ARMY	26 M.S.P.R. 404
		AVOIDANCE OF ACTION	EINSTEIN	ARMY	26 M.S.P.R. 404
		NO DISRUPTION TO AGENCY	BROWNING	ARMY	61 M.S.P.R. 232
		NO DISRUPTION TO AGENCY	CALVERT	MARINE CORPS	32 M.S.P.R. 23
		NO DISRUPTION TO AGENCY	EINSTEIN	ARMY	26 M.S.P.R. 404
		NO DISRUPTION TO AGENCY	COOK	DEFENSE	63 M.S.P.R. 270
SETTLEMENT AGREEMENT	NEGATES AGREEMENT	JESKO	VA	52 M.S.P.R. 517	
	VERA	30 DAY CONDITION DROPPED	TORRES	OPM	124 F.3D 1287
		COERCION	ANDREWS	ARMY	76 M.S.P.R. 147
VOLUNTARY	RIGHT TO CANVASS EMPLOYEES	RIGHT TO CANVASS EMPLOYEES	DECKER	HHS	40 M.S.P.R. 119
		ERRONEOUS INFORMATION	GUSTAVSON	ARMY	79 M.S.P.R. 638
		ERRONEOUS INFORMATION	BURKE	TREASURY	53 M.S.P.R. 434
		ERRONEOUS INFORMATION	WEST	POSTAL SERVICE	44 M.S.P.R. 551
	PRESUMED VOLUNTARY	PRESUMED VOLUNTARY	STAATS	POSTAL SERVICE	99 F.3D 1120
		PRESUMED VOLUNTARY	BRAVMAN	NAVY	26 M.S.P.R. 169
		PRESUMED VOLUNTARY	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
RETIREMENT	VOLUNTARY	PRESUMED VOLUNTARY	TORAIN	POSTAL SERVICE	83 F.3D 1420
		PRESUMED VOLUNTARY	ALDREDGE	TVA	70 M.S.P.R. 141
		RETIREMENT BEFORE RIF	RYSAVY	HUD	27 M.S.P.R. 316
		RETIREMENT ON RIF DATE	WHITEHEAD	HHS	21 M.S.P.R. 355
		SUBSEQUENT VSIP OFFERS	PATRICK	AGRICULTURE	72 M.S.P.R. 509

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
VOLUNTARY	ABANDONMENT OF POSITION	VOLUNTARY ACTION	SCHULTZ	NAVY	810 F.2D 1133
	CHANGE FROM FULL-TIME	TO PART-TIME	RICCI	VA	40 M.S.P.R. 113
	CHANGE IN DUTY STATION	SIMULTANEOUS DEMOTION	RILEY	NASA	79 M.S.P.R. 505
	CHANGE TO LOWER GRADE	ACCOMMODATION	HENDRICKS	NAVY	69 M.S.P.R. 163
		DEMOTION	JOHNSON	ARMY	83 M.S.P.R. 141
		RIF DEMOTION	BURGER	POSTAL SERVICE	88 M.S.P.R. 579
	CHOICE	RIF DEMOTION	HARANTS	POSTAL SERVICE	130 F.3D 1466
		CORRECT INFORMATION	WILLS	NAVY	37 M.S.P.R. 137
		ERRONEOUS INFORMATION	SMITKA	POSTAL SERVICE	66 M.S.P.R. 680
		ERRONEOUS INFORMATION	LEWIS	POSTAL SERVICE	39 M.S.P.R. 236
		ERRONEOUS INFORMATION	DANIELSHEN	POSTAL SERVICE	43 M.S.P.R. 376
		ERRONEOUS INFORMATION	GUSTAVSON	ARMY	79 M.S.P.R. 638
		ERRONEOUS INFORMATION	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
		ERRONEOUS INFORMATION	TORAIN	POSTAL SERVICE	83 F.3D 1420
		LOWER-GRADED POSITION	CONNERS	ARMY	4 M.S.P.R. 422
		LOWER-GRADED POSITION	BROWN	POSTAL SERVICE	58 M.S.P.R. 345
		LOWER-GRADED POSITION	DIPETRO	POSTAL SERVICE	58 M.S.P.R. 430
		PRE-RIF TRANSFER	KOOP	FEMA	16 M.S.P.R. 605

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
VOLUNTARY	CHOICE	REASSIGNMENT OR RETIREMENT	STAATS	POSTAL SERVICE	99 F.3D 1120
		TWO UNPLEASANT CHOICES	STAATS	POSTAL SERVICE	99 F.3D 1120
		TWO UNPLEASANT CHOICES	CHRISTIE	UNITED STATES	518 F.2D 584
		TWO UNPLEASANT CHOICES	MUELLER	POSTAL SERVICE	76 F.3D 1198
	DEMOTION	APPELLATE REVIEW OF SF-50	PAUL	NAVY	80 M.S.P.R. 174
		CHANGE IN DUTY STATION	RILEY	NASA	79 M.S.P.R. 505
		COERCION	HARTMAN	TREASURY	79 M.S.P.R. 576
		ERRONEOUS INFORMATION	HARTMAN	TREASURY	79 M.S.P.R. 576
		INVOLUNTARY DEMOTION	MIMS	DEFENSE	71 M.S.P.R. 74
		POST HARANTS	JOHNSON	ARMY	83 M.S.P.R. 141
		PRESUMED VOLUNTARY	COOLEY	POSTAL SERVICE	68 M.S.P.R. 353
		PRESUMED VOLUNTARY	SMITKA	POSTAL SERVICE	66 M.S.P.R. 680
		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
		STANDARD FOR RIF DEMOTION	HARANTS	POSTAL SERVICE	130 F.3D 1466
	DISCONTINUED SERVICE RETIREMENT	COERCED	ROGERS	ARMY	88 M.S.P.R. 610
		IMPROPER CERTIFICATION OF DSR	HATHAWAY	GSA	50 F.3D 21-T
	LATERAL TRANSFER	VOLUNTARY ACTION	LEONE	UNITED STATES	204 CT.CL. 334

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
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
		SEVERANCE PAY ESTIMATE	REED	COMMERCE	18 M.S.P.R. 697
		VOLUNTARY CHOICE	BARAJAS	GSA	25 M.S.P.R. 155
	RETIREMENT	APPEAL AS REMOVAL ACTION	BOMER	VA	58 M.S.P.R. 369
		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
		ERRONEOUS INFORMATION	GUSTAVSON	ARMY	79 M.S.P.R. 638

GENERAL SUBJECT-	MORE SPECIFIC-	MOST SPECIFIC-	NAME-	AGENCY-	REFERENCE-
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