Office of Personnel Management

appeal rights following its review of your employer’s decision.

§ 839.1302 What types of decisions can I appeal?
(a) You can appeal to the MSPB a decision that affects your rights and interests under this part, except an OPM decision under subpart L (see §839.1303).

Some examples of decisions are:
(1) Your employer’s determination that your error is not subject to these rules;
(2) Your employer’s determination that you are not eligible to elect retirement coverage under these rules; and
(3) OPM’s denial of your request for a waiver of the time limit for making an election.
(b) You may not seek review of a decision under any employee grievance procedures, including those established by chapter 71 of title 5, United States Code, and 5 CFR part 771.

§ 839.1303 Are there any types of decisions that I cannot appeal?
Yes, OPM’s decisions under subpart L (Discretionary Actions by OPM) are final and conclusive and are not subject to administrative or judicial review.

§ 839.1304 Is there anything else I can do if I am not satisfied with the way my error was corrected?
(a) Except for claims under subpart L (see §839.1303), and after exhausting your administrative remedies as set out in this subpart, you may bring a claim against the Government under section 1346(b) or chapter 71 of title 5, United States Code.
(b) You may also bring a claim against the Government under any other provision of law if your claim is for amounts not otherwise provided for under these rules.

PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

Subpart A—General Provisions
Sec. 841.101 Purpose.
841.102 Regulatory structure for the Federal Employees Retirement System.