Subpart H—Rules of Practice for Employee Disputes

§ 134.801 Scope of rules.
(b) The following rules, located in subparts A and B of this part, also apply to OHA appeals under the EDRP:
(1) Definitions (§ 134.101);
(2) Jurisdiction of OHA (§ 134.102(r) only);
(3) Scope of the rules in this subpart B (§ 134.201(a), (b)(6), and (c) only);
(4) Commencement of cases (§ 134.202(d) only, on deadlines and how to count days);
(5) Filing and service requirements (§ 134.204);
(6) Amendments and supplemental pleadings (§ 134.207);
(7) Requirement of signature (§ 134.209);
(8) Motions (§ 134.211);
(9) Summary decision (§ 134.212);
(10) Sanctions (§ 134.219); and
(11) Review of initial decisions (§ 134.228).

§ 134.802 [Reserved]

§ 134.803 Commencement of appeals from AMO decisions.
(a) An appeal from an AMO decision must be commenced by filing an appeal petition within 15 days from the date the Employee receives the AMO’s decision.
(b) If the AMO does not issue a decision, the appeal petition must be filed no sooner than 16 days and no later than 55 days from the date on which the Employee filed the original Statement of Dispute with the AMO.
(c) The rule for counting days is in § 134.202(d).
(d) OHA will dismiss an untimely appeal.

§ 134.804 The appeal petition.
(a) Form. There is no required format for an appeal petition. However, it must include the following:
(1) A copy of the original Statement of Dispute;
(2) A copy of the AMO’s decision or other response, if any;
(3) Statement of why the AMO’s decision is alleged to be in error;
(4) Any other pertinent information the OHA Judge should consider;
(5) A request for mediation, if applicable;
(6) The Employee’s name, home mailing address, daytime telephone and facsimile numbers, e-mail address, and signature; and
(7) If represented by an attorney, the attorney’s contact information and signature.
(b) Service of the appeal petition upon the SBA. The Employee must serve copies of the entire appeal petition upon three SBA officials:
(1) The AMO;
(2) Chief Human Capital Officer, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416; and
(3) Associate General Counsel for General Law, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416, e-mail: OGLService@sba.gov, except that an employee of the Office of Inspector General (OIG) must serve it upon the Counsel to the Inspector General, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416, e-mail: ig.counseldiv@sba.gov.
(c) Certificate of Service. The Employee will attach to the appeal petition a signed certificate of service meeting the requirements of § 134.204(d).
(d) The rules governing filing and service are in § 134.204.