

**DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF PROFESSIONAL RESPONSIBILITY
APPELLATE BOARD**

(b)(6)

Transportation Security Officer,
Appellant,

v.

TRANSPORTATION SECURITY
ADMINISTRATION,
Respondent.

DOCKET
NUMBER
OAB—18-046

April 27, 2018

Issue: Jurisdiction (Untimely)

OPINION AND DECISION

The appellant petitions for review of the respondent's decision to terminate him from his position as a Transportation Security Officer (TSO) with the Transportation Security Administration (TSA). For the reasons stated below, the appeal is DISMISSED.

BACKGROUND

On September 22, 2016, management terminated the appellant based on the Charges, *Workplace Violence, Unauthorized Recording, Failure to Cooperate in an Agency Investigation, and Inappropriate Comments*. An appeal was not received by the TSA Office of Professional Responsibility Appellate Board (Board) until March 26, 2018.

ANALYSIS AND FINDINGS

The Handbook to TSA Management Directive 1100.77-1, *OPR Appellate Board*, states that appeals must be filed no later than 30 days after the action is affected. It goes on to state that failure to file within 30 days, without a demonstration of good cause, will result in dismissal of the appeal as untimely. The appellant was notified of management's actions on September 23, 2016, and did not file an appeal with the Board until March 26, 2018. The appellant's representative contacted the Board on or February 25, 2018, requesting an update on the appellant's appeal. The Board was unable to find any evidence of a submission of an appeal by the appellant and notified the appellant's representative of their findings. In response, the appellant's representative submitted emails, dated October 24, 2016 and November 2, 2016, which appeared to be addressed to the Board. The Board contacted the Office of Information Technology (OIT) to seek recovery of all emails sent to the OPR.AB mailbox during October

and November 2016. The recovered emails do not show that an appeal was submitted to the Board in 2016 by the appellant's representative. On March 26, 2018, an appeal was submitted to the Board.

Conclusion. The appellant failed to file his appeal within 30 days and there is no demonstration of good cause to accept said appeal.

Order. The appeal is untimely and therefore, it is DISMISSED.

FOR THE BOARD:

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ENGEL
Date: 2018.04.27
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Debra S. Engel
Chair
OPR Appellate Board



**Transportation
Security
Administration**

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