



MERIT SYSTEMS PROTECTION BOARD

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MERIT SYSTEMS PROTECTION BOARD

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e-Appeal Attachment Transmittal

Appeal Number: 202301325
Appellant Name: Mr Sherman Shelby Startz
Agency Name: Office of Special Counsel

Please check the box for each document included with this transmittal.

<input type="checkbox"/>	Name of Attachment	Attachment Processing Status	File Name/Delivery Method
<input type="checkbox"/>	Drafted Appeal File	Upload with e-Appeal	OSC to Sherman Startz - IRA Letter - March 22, 2023.pdf

2 copies must be submitted of all documents submitted in hardcopy.

Send documents to be submitted in paper form to:

Washington DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, Virginia 22202
United States of America

Phone: (703) 756-6250

Fax: (703) 756-7112



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

March 22, 2023

VIA ELECTRONIC MAIL

Mr. Sherman Startz
116 Kelsan Way
Fairbanks, AK 99709
shelbystartz@outlook.com

Re: OSC File No. MA-23-000527

Dear Mr. Startz:

The U.S. Office of Special Counsel (OSC) terminated its inquiry into your allegations of prohibited personnel practices under 5 U.S.C. § 2302(b)(8) and (b)(9) on March 22, 2023. The purpose of this letter is to notify you that you may file an “individual right of action” (IRA) appeal seeking corrective action from the Merit Systems Protection Board (Board).

In your complaint against the U.S. Department of the Army (Army), Army Installation Management Command, Headquarters, U.S. Army Garrison Alaska, you alleged that you were retaliated against for disclosing to Army officials that they violated a law, rule, or regulation, engaged in gross mismanagement, grossly wasted funds, and abused their authority by not properly overseeing contractor work, accepting fictitious specification numbers from a contractor, and instructing you to sign for materials that were not delivered. You alleged that, in retaliation for these disclosures, Army officials subjected you to a hostile work environment and terminated your employment during your probationary period.

In your IRA appeal, you may seek corrective action from the Board under 5 U.S.C. §§ 1214(a)(3) and 1221 for any personnel action taken or proposed to be taken against you because of a protected disclosure or activity that was the subject of your OSC complaint. You may file the IRA appeal with the Board within 65 days after the date of this letter. The regulations concerning rights to file an IRA appeal with the Board can be found at 5 C.F.R. Part 1209. If you choose to file an IRA appeal with the Board, you should include this letter as part of your submission.

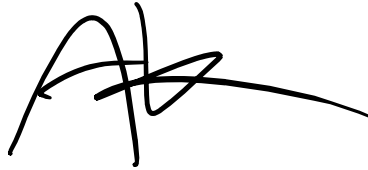
U.S. Office of Special Counsel

Sherman Startz

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Although an individual bringing an IRA appeal to the Board must show that he or she has exhausted OSC procedures, our decision to end the investigation may not be considered in an IRA appeal. See 5 U.S.C. § 1221(f)(2); *Bloom v. Dep't of the Army*, 101 M.S.P.R. 79, 84 (2006). The Board may order an individual to submit a copy of OSC's determination letter, but the order must contain an explanation of why the letter is necessary and give the individual the opportunity to consent. See 5 U.S.C. § 1214(a)(2)(B); *Bloom*, 101 M.S.P.R. at 84.

Sincerely,

A handwritten signature in black ink, appearing to be 'AK' with a long horizontal stroke extending to the right.

Alex Kish
Attorney
Retaliation and Disclosure Unit
(202) 804-7048
akish@osc.gov