



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Via e-mail

February 14, 2025

FROM: Matthew E. Ammon, performing the Delegable Duties of the Deputy Secretary, as Delegated by the Secretary of the Department of Housing and Urban Development

SUBJECT: Notice of Termination During Probationary Period (Competitive Service)

The purpose of this notice is to notify you of the decision to terminate your employment with the U.S. Department of Housing and Urban Development (HUD), during your probationary period, in accordance with 5 C.F.R. § 315.804, in order to promote the efficiency of the federal service in accordance with the priorities of the Administration.

The purpose of the probationary period is to provide the federal government with an opportunity to evaluate a new federal employee's conduct and performance on the job to determine if an appointment should become final and if continued employment as a federal employee is warranted.

After careful consideration, the Agency is terminating your employment as of the date of the transmission of this email, during your probationary period, as part of a workforce restructuring of the Agency. You should work with your supervisor to initiate the separation process and return your HUD equipment. Failure to return government property may result in a deduction of your paycheck. Any personal items left behind in your work area will be mailed to your current address of record. Please let your supervisor know if you have changed your mailing address.

If you had opted into the Deferred Resignation Program by messaging OPM prior to the program closing at 7:20pm ET on February 12, 2025, you will receive a Deferred Resignation Agreement to sign and will be allowed to resign or retire in accordance with the terms of the program. If you believe you opted into the program and are receiving this notice in error, please contact DeferredResignationQuestions@HUD.Gov for verification. Please annotate Probationary Verification in the subject line.

You are advised that you do not have a right to reply to this personnel action or to grieve your termination under either the administrative or negotiated grievance procedure. You may appeal this action to the Merit Systems Protection Board (MSPB) if you believe that your termination was based on: (1) partisan political reasons or (2) marital status. If you believe that your termination was due to discrimination based on race, color, religion, sex, national origin, disability, or age (provided that at the

time of the alleged discriminatory action you were at least 40 years of age), and/or because of participation in a protected Equal Employment Opportunity (EEO) activity, you may include this allegation when appealing to the MSPB if such discrimination is raised in addition to one of the two reasons cited above.

An appeal to the MSPB is filed by submitting a completed appeal form (copy attached), providing the information required by the form in writing or submitting an electronic appeal to the MSPB. Your appeal must be filed no later than thirty (30) calendar days after the effective date of the action being appealed, or thirty (30) calendar days after the date of receipt of this Notice of Termination, whichever is later. If the thirty (30) calendar day deadline falls on a weekend or holiday, then it must be filed no later than the following workday. If you submit an appeal after the thirty (30) calendar day time period, your appeal will be dismissed as untimely filed unless you demonstrate good reason for the delay. The Board's regulation on the timeliness of an appeal is 5 CFR §1201.22(c) (Timeliness of Appeals).

Filing of an appeal must be made by commercial or personal delivery, facsimile, mail, or electronic filing to the MSPB Office nearest your duty station. The contact information for the MSPB Office nearest your duty station can be found at: <https://www.mspb.gov/about/contact.htm>. The link to the MSPB's electronic filing appeal platform is: <https://e-appeal.mspb.gov/etk-mspb-appeals-prod/login.request.do>.

In accordance with the MSPB regulations, at 5 CFR § 1201.21(f), an appeal should include the following information identifying the HUD official to receive the MSPB's acknowledgement order and copy of the appeal:

Javes Myung, Assistant General Counsel for Personnel Law
Office of the General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 2124, Washington DC 20410
Javes.Myung@hud.gov

Information on how to file an appeal electronically via "e-Appeal" may be found at the MSPB web site: <http://www.mspb.gov> or <https://e-appeal.mspb.gov/etk-mspb-appeals-prod/login.request.do> (for specific instructions concerning an e-Appeal). A copy of the MSPB regulations (5 C.F.R. 1201 *et seq.*) may be found at www.mspb.gov.

If you believe that the Department discriminated against you on the basis of your race, color, religion, sex, national origin, age, disability, genetic information, and/or reprisal, you may file a complaint of discrimination. In order to pursue this matter through the discrimination complaints process, you must contact a HUD EEO Counselor within 45 days of the effective date of this adverse action. A HUD EEO Counselor may be contacted through the HUD Office of Departmental Equal Employment Opportunity (ODEEO) by telephone at (202) 708-3362 or by writing to:

Department of Housing and Urban Development
Director of EEO
451 7th Street, S.W., Room 2102
Washington, D.C. 20410

Should you elect to file a complaint of discrimination, your complaint will be processed in accordance with 29 CFR § 1614. Should you elect to file an MSPB appeal, as described above, you may also allege discrimination because of race, color, religion, sex, national origin, age, or disability.

If you believe this adverse action is being taken against you in reprisal for acts covered under the Whistleblower Protection Enhancement Act, you may either include this allegation as an affirmative defense in an appeal of the adverse action to the MSPB, as described above, or you may seek corrective action by filing a complaint with the Office of Special Counsel (OSC) (see www.osc.gov).

If you choose to file a complaint with OSC, and if OSC does not take corrective action, you may then file an Individual Right of Action (IRA) appeal with the MSPB. In an IRA appeal, the only issue before the MSPB are those listed in 5 U.S.C. § 1221(e), i.e., whether the appellant has demonstrated that a protected disclosure or protected activity was a contributing factor in one or more covered personnel actions and, if so, whether the agency has demonstrated by clear and convincing evidence that it would have taken the same personnel action(s) in the absence of the protected disclosure(s). Other than raising an affirmative defense of reprisal for whistleblowing activities, other affirmative defenses, such as claims of discrimination or harmful procedural error, may not be raised. In an IRA appeal that concerns an adverse action under 5 U.S.C. § 7512, the agency need not prove its charges, nexus, or the reasonableness of the penalty.

Your election of one of these avenues of review will be considered final on the date any appeal or complaint is filed.

Finally, if you believe you received this notice in error because you are not currently in a probationary period, please send an e-mail to: ProbationaryNotice@hud.gov with the subject “Verification of Probationary Status.”

Attachment:
MSPB Appeal Form