United States Environmental Protection Agency
Washington, DC 20460

Interagency Agreement/ Amendment

Part 1 - General Information

1. EPA IA Identification Number RW-41-92411301 - 0	**2. Funding Location by Region** EPA HQ
3. Other Agency IA ID Number (if known)	**4. Awarding Office** IASSC East
5. Type of Action New	**6. IA Specialist:** NancyT Brown 202-564-3264 brown.nancyt@epa.gov

7. Name and Address of EPA Organization
US Environmental Protection Agency
IASSC East
1200 Pennsylvania Avenue, NW Mail code 3903R
Washington, DC 20460

8. Name and Address of Other Agency
Merit Systems Protection Board
Office of the Clerk ofthe Board
1615 M Street, NW
Washington, DC 20419

9. DUNS: 029128894 **10. BETC:** COLL **11. DUNS:** 015908424 **12. BETC:** DISB

13. Project Title and Description
Administrative Law Judges

To provide the Merit Systems Protection Board with an Administrative Law Judge to hear case number AT-4324-11-0442-I-1.

14. EPA Project Officer (Name, Address, Telephone Number)
Mary Keemer
1200 Pennsylvania Ave, NW (1900R)
Washington, DC 20460
202-564-6256
E-Mail: Keemer.Mary@epamail.epa.gov
FAX: 202-565-0044

15. Other Agency Project Officer (Name, Address, Telephone)
Molly Leckey
1615 M Street, NW
Washington, DC 20419
202-564-4472
E-Mail: molly.leckey@mspb.gov
FAX: 202-653-7130

16. Project Period: 10/01/2014 to 09/30/2015
17. Budget Period: 10/01/2014 to 09/30/2015

18. Scope of Work (See Attachment)
See attached Memorandum of Understanding.

19. Employer/Tax ID No. 520852695 **20. CAGE No:** 347A4 **21. ALC:** 68-01-0727

22. Statutory Authority for Transfer of Funds and Interagency Agreement
Economy Act 31 U.S.C. 1535

23. Other Agency Type
Federal Agency

24. Revise Reimbursable Funds and Direct Fund Cites (only complete if applicable)

	Previous Funding	This Action	Amended Total
Revise Reimbursable (in-house)		0	0
Direct Fund Cite (contractor)		0	0
Total			0

Funds	Previous Amount	Amount This Action	Total Amount
25. EPA Amount			$0
26. EPA In-Kind Amount			$0
27. Other Agency Amount		$30,000	$30,000
28. Other Agency In-Kind Amount			$0
29. Total Project Cost		$30,000	$30,000

30. Fiscal Information

Treas. Symbol	DCN	FY	Appropriation	Budget Org	PRC	Object Class	Site/Project	Cost Org	Ob/De-Ob Amt
6814/150108		1415	BR	16R0X07	ZZZGE3	0			28,302
6814/150108		1415	BR	16R0Z07	ZZZGE3	0			1,698
									30,000

Part II - Approved Budget

EPA IAG Identification Number
RW-41-92411301 - 0

31. Budget Categories	Itemization of All Previous Actions	Itemization of This Action	In-Kind Itemization of This Action	Itemization of Total Project Cost to Date
(a) Personnel		$28,302		$28,302
(b) Fringe Benefits				$0
(c) Travel				$0
(d) Equipment				$0
(e) Supplies				$0
(f) Procurement / Assistance				$0
(g) Construction				$0
(h) Other				$0
(i) Total Direct Charges	$0	$28,302	$0	$28,302
(j) Indirect Costs:	$0	$1,698		$1,698
Charged - Amount Rate: 5.46% Base: $ Not Charged: Funds-In: Not charged by EPA Amount $				
(k) Total (EPA Share 0.00 %) (Other Agency Share 100.00 %)	$0	$30,000	$0	$30,000

32. How was the IDC Base calculated?

33. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? ☐ Yes ☒ No
(Identify all equipment costing $1,000 or more)

34. Are any of these funds being used on Procure/Assistance agreements? ☐ Yes ☒ No

Type of Procure/Assistance Agreement

Contractor/Recipient Name (if known)	Total Procure/Assistance Amount Under This Project	Percent Funded by EPA (if known)
	Total $ 0.00	

Part III - Funding Methods and Billing Instructions

35. **(Note: EPA Agency Location Code (ALC) - 68010727)**

☐ Disbursement Agreement	Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:
☐ Repayment	☐ Monthly ☐ Quarterly ☐ Upon Completion of Work
☐ Advance	Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.
☐ Allocation Transfer-Out	Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.

36. ☒ Reimbursement Agreement ☒ Repayment ☐ Advance
☐ Allocation Transfer-In

Other Agency's Billing Address (include ALC or Station Symbol Number)	Other Agency's Billing Instructions and Frequency
41-00-0001	

Part IV - Acceptance Conditions	EPA Identification Number RW-41-92411301 - 0

37. Terms and Conditions, when included, are located at the end of the 1610-1, or as an attachment.

Part V - Offer and Acceptance

Note: A) For Fund-out actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants and IA Management Division for Headquarters agreements or to the appropriate EPA Regional IA administration office within 3 calendar weeks after receipt or within any extension of time that may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency after the document is signed by the EPA Award Official, which the Award Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

B) For Funds-In actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IA administration office for signature on behalf of the EPA. EPA will return one original copy after acceptance returned to the other agency after acceptance.

EPA IA Administration Office (for administrative assistance)	EPA Program Office (for technical assistance)
38. Organization/Address U.S. Environmental Protection Agency IASSC East 1200 Pennsylvania Avenue, NW Mail code 3903R Washington, DC 20460	**39. Organization/Address** US Environmental Protection Agency OARM - Office of Administration and Resources Management 1200 Pennsylvania Ave, NW Washington, DC 20460

Award Official on Behalf of the Environment Protection Agency

40. Digital signature applied by EPA Award Official | Frank N. Roth - Chief Fellowship IA & SEE Branch	Date 10/28/2014

Authorizing Official on Behalf of the Other Agency

41. Signature	Typed Name and Title	Date
	Kevin Nash, Financial and Administrative Management	09/25/2014

Administrative Conditions

1. **Resolution of Disagreements**

Should disagreements arise on the interpretation of the provisions of this agreement or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement or interpretation is not reached within 30 days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

If a dispute related to funding remains unresolved for more than 30 calendar days after the parties have engaged in an escalation of the dispute, disputes will be resolved in accordance with instructions provided in the Treasury Financial Manual (TFM) Volume I, Part 2, Chapter 4700, Appendix 10, available at http://www.fms.treas.gov/tfm/index.html.

2. **Cost Collection Upon Cancellation**

If the IA recipient cancels the agreement, the Environmental Protection Agency is authorized to collect costs incurred prior to the cancellation of the agreement, plus termination costs, up to the total payment amount provided for under the agreement.

SEP 1 8 2014

Loan No.: 2012-08E
Expiration date: 09-30-15

Mr. William D. Spencer
Clerk of the Board
U.S. Merit Systems Protection Board
Office of the Clerk of the Board
1615 M Street, NW
Washington, DC 20419-0002

Dear Mr. Spencer:

This responds to your letter dated September 10, 2014, concerning your need to continue the intermittent and reimbursable detail of Administrative Law Judges (ALJ) to adjudicate cases involving actions such as: those brought by the Special Counsel, proposed actions against ALJs, Senior Executive Service removals, internal appeals filed by Merit Systems Protection Board employees, or attorney fee petitions.

Under authority of 5 U.S.C. § 3344 and 5 CFR 930.208 and with the consent of the loaning agency, the Federal Trade Commission (FTC), I hereby approve the continuation of this loan, and any new cases that occur in FY 2015.

As before, please send us a letter or notice informing us of the completion of the cases when such occurs.

Sincerely,

Joseph S. Kennedy
Associate Director
Human Resources Solutions

cc: Hon. D. Michael Chappell, Chief ALJ, FTC
Personnel, FTC

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ENVIRONMENTAL PROTECTION AGENCY
AND
THE U. S. MERIT SYSTEMS PROTECTION BOARD

The Environmental Protection Agency (EPA) hereby enters into an agreement for the temporary assignment of a designated Administrative Law Judge (ALJ), Judge M. Lisa Buschmann, to serve as an ALJ for the U.S. Merit Systems Protection Board (MSPB) in the matter of *Kelly Stephen Jennings v. Social Security Administration*, AT-4324-11-0442-I-1, which is currently pending before Judge Buschmann.

1. Purpose

To provide MSPB with an Administrative Law Judge (ALJ) to hear the above-referenced case. The EPA Chief Administrative Law Judge will serve as the primary point of contact for ALJ services.

2. Authority

The parties are authorized to enter into this agreement for the provision of adjudicatory services by the Economy Act, 31 U.S.C. § 5335. In addition, the Office of Personnel Management (OPM) has approved the MSPB's request for the temporary, intermittent, and reimbursable detail of EPA ALJs to hear cases identified in section 3 of this agreement. (See OPM letter attached as Exhibit 1).

3. Scope of Work

The assigned ALJ will perform all necessary duties to adjudicate the above-referenced case.

4. Duration, Extension, and Termination of Assignments

a. ALJ services will be provided on a reimbursable basis from October 1, 2014, through September 30, 2015, or until adjudication of the above-referenced case has been completed, whichever comes first, subject to availability of funds and as provided for in the OPM letter attached as Exhibit 1 to this agreement, and incorporated herein as reference.

b. Either party may terminate this agreement by giving reasonable notice in writing. In the event that either party wishes to terminate this agreement, both parties will come to a mutually agreed upon date of termination.

c. This agreement is premised on the ability of Judge Buschmann to incorporate the adjudication of the above-referenced case into her regular workload.

5. Reimbursement Provisions

Invoices for ALJ services will be submitted to the MSPB monthly or quarterly at the EPA's discretion. Costs should be listed separately as salary/expenses, travel, and other related costs.

a. Services and Expenses. The actual salary and benefits rates of the ALJ and support staff will be used in the calculation of costs.

b. Travel Expenses. Will be reimbursed in accordance with the current Federal Travel Regulations.

c. Other related costs. Other related costs incurred by the EPA during the performance of ALJ services should be detailed.

d. Hearing locations. Once the assigned ALJ has determined a hearing date and the anticipated length of the hearing, the MSPB Office of the Clerk of the Board, with assistance from MSPB Regional/Field offices, will make appropriate arrangements for a hearing location. The MSPB point of contact for such matters is Andrea Corrales. Andrea can be reached at (202) 254-4535, or Andrea.Corrales@mspb.gov.

e. Court reporting services. MSPB will arrange for court reporting services for all hearings held by the assigned ALJ. Court reporting services may be requested by the assigned ALJ for telephonic prehearing conferences or status conferences in complex matters and may be arranged in the discretion of the MSPB following consultation with the assigned ALJ. Costs for court reporting services will be billed directly to the MSPB.

f. Transcripts. The MSPB will arrange and pay for one original transcript of hearings conducted by the assigned ALJ. MSPB will maintain the original transcript in the official file and will provide an electronic version of the transcript to the assigned ALJ. Transcripts will be processed under the standard processing time provided by the MSPB's contracted court reporter, and costs will be billed directly to the MSPB. If either party to an ALJ-assigned matter wishes to obtain expedited processing of a transcript, such party may request and pay for expedited processing by contacting the court reporter directly.

g. Billing Address. EPA will bill MSPB through the Inter-agency Payment and Collection System (IPAC) using the following Agency Location Code (ALC): **41-00-0001.** Attachment A to this MOU provides additional information.

h. Other administrative support. The MSPB Case Processing Liaison is available to answer questions concerning MSPB procedures and assist with the issuance of Orders. The assigned

ALJ is responsible for drafting orders, researching legal questions, arranging telephonic conferences, and performing all adjudicatory functions.

6. Case Processing Goals

EPA and MSPB recognize that the parties to cases adjudicated under this agreement are entitled to prompt issuance of a decision. To that end, EPA and MSPB agree to work together to streamline the adjudication process wherever possible.

7. Contacts

Court Reporter Arrangements

U.S. Merit Systems Protection Board
Office of the Clerk of the Board
1615 M Street, NW
Washington, DC 20419

Andrea Corrales
(202) 254-4535

FOIA/Privacy Act Liaison

U.S. Merit Systems Protection Board
Office of the Clerk of the Board
1615 M Street, NW
Washington, DC 20419

Andrea Corrales
(202) 254-4535

Note: The Board keeps the records in its appeals in a system of records subject to The Privacy Act of 1974, 5 U.S.C. § 552a. The records are part of a system of records entitled "Appeal and Case Records" announced by the Board in 61 Fed. Reg. 33946, July 1, 1996. An MSPB case file does not constitute a public record because of its coverage under the Privacy Act. Only MSPB initial and final decisions in a case file are public records. Access to MSPB case files is controlled in accordance with the law to protect the privacy interests of the subjects and integrity of the files.

Case Processing Liaison

U.S. Merit Systems Protection Board
Office of the Clerk of the Board
1615 M Street, NW
Washington, DC 20419

Andrea Corrales
(202) 254-4535
Molly Leckey (backup)
(202) 254-4457

Billing Information

U.S. Environmental Protection Agency
Accountant

Washington, DC 20580

Ms. Carol J. (Owens) Goetz
(513) 487-2117
(513) 487-2063 (fax)

Merit Systems Protection Board
Office of Financial and Administrative Management
1615 M Street. NW, Suite 500
Washington, DC 20419

Mr. Sean Donohue
(202) 254-4409

SIGNATURES:

Kevin Nash, Director
Financial and Administrative Management
U.S. Merit Systems Protection Board

Date 9/25/14

Susan Bird
Chief Administrative Law Judge
Environmental Protection Agency

Date 10/2/14

Francis Roth, Chief
Fellowship, IA and SEE Branch
Grants and IA Management Division
Environmental Protection Agency

Date 102814

United States Government
Interagency Agreement (IAA) – Agreement Between Federal Agencies
Order Requirements and Funding Information (Order) Section

IAA Number MSP15EPA001 - ____ - ____
GT&C # Order # Amendment/Mod #

Servicing Agency's Agreement Tracking Number (Optional) ____

PRIMARY ORGANIZATION/OFFICE INFORMATION

24.	Requesting Agency	Servicing Agency
Primary Organization/Office Name	US Merit Systems Protection Board	ENVIROMENTAL PROTECTION AGENCY
Responsible Organization/Office Address	1615 M St NW Washington, DC 20419	

ORDER/REQUIREMENTS INFORMATION

25. Order Action (Check One)

☑ New

☐ **Modification** (Mod) – List affected Order blocks being changed and explains the changes being made. For Example: for a performance period mod, state new performance period for this Order in Block 27. **Fill out the Funding Modification Summary by Line** (Block 26) if the mod involves adding, deleting or changing **Funding for an Order Line.**

☐ **Cancellation** – Provide a brief explanation for Order cancellation and fill in the Performance Period End Date for the effective cancellation date.

26. Funding Modification Summary by Line	Line # 1	Line # ____	Line # ____	Total of All Other Lines (attach funding details)	Total
Original Line Funding	$30,000.00	$	$	$	$30,000.00
Cumulative Funding Changes From Prior Mods [addition (+) or reduction (-)]	$	$	$	$	$ 0.00
Funding Change for This Mod	$	$	$	$	$ 0 00
TOTAL Modified Obligation	$ 30,000.00	$ 0.00	$0.00	$ 0.00	$30,000.00
Total Advance Amount (-)	$	$	$	$	$ 0 00
Net Modified Amount Due	$ 30,000.00	$0.00	$0.00	$ 0.00	$30,000 00

27. **Performance Period**
For a performance period mod, insert the start and end dates that reflect the new performance period.

Start Date 10-01-2014 (MM-DD-YYYY) End Date 09-30-2015 (MM-DD-YYYY)

IAA Order

IAA Number MSP15EPA001

GT&C # | Order # | Amendment/Mod # | Servicing Agency's Agreement Tracking Number (Optional)

28. Order Line/Funding Information | Line Number

	Requesting Agency Funding Information								Servicing Agency Funding Information							
ALC	41000001															
Component TAS Required 10/1/2014	SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB	SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB
			389	2015	2016		0100	000								
Current TAS format																
BETC	DISB															
Object Class Code (Optional)	253001															
BPN	01-5908424															
BPN + 4 (Optional)																
Additional Accounting Classification/Information (Optional)	MSP0100DA1516XX-MSP12000000															

Requesting Agency Funding Expiration Date 09-30-2016 MM-DD-YYYY

Requesting Agency Funding Cancellation Date 09-30-2016 MM-DD-YYYY

Project Number & Title

Description of Products and/or Services, including the Bona Fide Need for this Order (State or attach a description of products/services, including the bona fide need for this Order.)

ADMINISTRATIVE LAW JUDGE SERVICES FOR FY 15

North American Industry Classification System (NAICS) Number (Optional)

Breakdown of Reimbursable Line Costs

Unit of Measure		
Quantity	Unit Price	Total
1	$30,000.00	$ 30,000.00
Overhead Fees & Charges		$
Total Line Amount Obligated		$ 30,000.00
Advance Line Amount (-)		$
Net Line Amount Due		$ 30,000.00

Breakdown of Assisted Acquisition Line Cost.

Contract Cost	$
Servicing Fees	$
Total Obligated Cost	$ 0.00
Advance for Line (-)	$
Net Total Cost	$ 0.00

Assisted Acquisition Servicing Fees Explanation

Type of Service Requirements

☐ Severable Service ☐ Non-severable Service ☑ Not Applicable

IAA Number MSP15EPA001

GT&C # Order # Amendment/Mod # Servicing Agency's Agreement Tracking Number (Optional)

29. **Advance Information** (Complete Block 29 if the Advance Payment for Products/Services was checked "Yes" on the GT&C.)

Total Advance Amount for the Order $_____ [All Order Line advance amounts (Block 28) must sum to this total.]

Revenue Recognition Methodology (according to SFFAS 7) (Identify the Revenue Recognition Methodology that will be used to account for the Requesting Agency's expense and the Servicing Agency's revenue)

☐ Straight-line – Provide amount to be accrued $_____ and Number of Months _____

☐ Accrual Per Work Completed – Identify the accounting posting period:

☐ Monthly per work completed & invoiced

☐ Other – Explain other regular period (bimonthly, quarterly, etc.) for posting accruals and how the accrual amounts will be communicated if other than billed.

30. **Total Net Order Amount:** $ 30,000.00

[All Order Line Net Amounts Due for reimbursable agreements and Net Total Costs for Assisted Acquisition Agreements (Block 28) must sum to this total.]

31. **Attachments** (State or list attachments.)

☐ Key project and/or acquisition milestones (Optional except for Assisted Acquisition Agreements)

☐ Other Attachments (Optional)

BILLING & PAYMENT INFORMATION

32. **Payment Method** (Check One) [**Intra-governmental Payment and Collection (IPAC)** is the Preferred Method.]

☐ Requesting Agency Initiated IPAC ☑ Servicing Agency Initiated IPAC

☐ Credit Card ☐ Other – Explain other payment method and reasoning

33. **Billing Frequency** (Check One)

☐ Monthly ☑ Quarterly ☐ Other Billing Frequency (include explanation)

34. **Payment Terms** (Check One) Within 30 days or receipt

☐ 7 days ☑ Other Payment Terms (include explanation):

IAA Order

IAA Number MSP15EPA001 - ____ - ____
GT&C # Order # Amendment/Mod #

Servicing Agency's Agreement Tracking Number (Optional) ____

35. Funding Clauses/Instructions (Optional) (State and/or list funding clauses/instructions.)

PENDING AVAILABILITY OF FY15 FUNDS

36. Delivery/Shipping Information for Products (Optional)

Agency Name	
Point of Contact (POC) Name & Title	
POC Email Address	
Delivery Address /Room Number	
POC Telephone Number	
Special Shipping Information	

APPROVALS AND CONTACT INFORMATION

37. PROGRAM OFFICIALS

The Program Officials, as identified by the Requesting Agency and Servicing Agency, must ensure that the scope of work is properly defined and can be fulfilled for this Order. The Program Official may or may not be the Contracting Officer depending on each agency's IAA business process.

	Requesting Agency	Servicing Agency
Name	Michaela Klarmann	
Title	Contracting Officer	
Telephone Number	(202) 254-4408	
Fax Number	(202) 653-7821	
Email Address	Michaela.Klarmann@mspb.gov	
Signature	Michael Klar	
Date Signed	09/25/2014	

38. FUNDING OFFICIALS - The Funds Approving Officials, as identified by the Requesting Agency and Servicing Agency, certify that the funds [illegible] cited and can be properly accounted for per the purposes set forth in th[illegible] Order. The Requesting Agency Funding Official signs to obligate funds. The Servicing Agency [illegible] signs to [illegible] work, [illegible] bill collect and properly account for funds from the Requesting Agency, in accordance with the agreement.

	Requesting Agency	Servicing Agency
Name	Sean Donohue	
Title	Budget Officer	
Telephone Number	(202) 254-4409	Frank Roth, Branch Chief Fellowship, IA& SEE's Branch
Fax Number	(202) 653-7821	
Email Address	Sean.Donohue@mspb.gov	
	SUBJECT TO FUNDS AVAILABILITY	
Date Signed	9-25-14	102814

IAA Number MSP15EPA001 - ____ - ____
GT&C # Order # Amendment/Mod #

Servicing Agency's Agreement Tracking Number (Optional) ____

CONTACT INFORMATION

FINANCE OFFICE Points of Contact (POCs)
The finance office points of contact must ensure that the payment (Requesting Agency), billing (Servicing Agency), and advance/accounting information are accurate and timely for this Order.

39.	Requesting Agency (Payment Office)	Servicing Agency (Billing Office)
Name	Erma Ford	
Title	Support Specialist	
Office Address	1615 M St NW Washington, DC 20419	
Telephone Number	(202) 254-4410	
Fax Number	(202) 653-7821	
Email Address	Erma.Ford@mspb.gov	
Signature & Date (Optional)		

40. ADDITIONAL Points of Contacts (POCs) (as determined by each Agency)
This may include CONTRACTING Office Points of Contact (POCs).

	Requesting Agency	Servicing Agency
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		