



DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANAGEMENT SERVICE
1400 KEY BOULEVARD
ARLINGTON, VA 22209-5144

JUN 1 2007

MEMORANDUM FOR: SEE DISTRIBUTION LIST

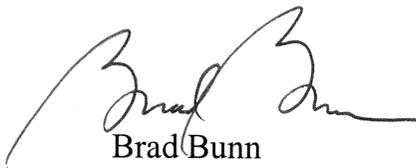
SUBJECT: Consideration Under the Veterans Employment Opportunities Act of 1998 (VEOA)

The U.S. Office of Personnel Management (OPM) Memorandum, "Consideration Under the Veterans Employment Opportunities Act of 1998 (VEOA)," dated May 14, 2007 (attached), clarifies the recent Merit Systems Protection Board (MSPB (Board)) decision *William B. Jolley v. Department of Homeland Security* issued on February 21, 2007.

Section 3304(f) of title 5, United States Code, provides VEOA eligibles the right to apply to any vacancy when an agency (defined as the Department of Defense under VEOA) accepts applications from outside its own workforce. Prior to the MSPB decision, the OPM policy was that any geographic limitations identified in a vacancy announcement were also applicable to VEOA eligibles. The Board decided that the plain language of 5 U.S.C. 3304(f) provides eligible VEOA applicants the right to compete for any vacancy whenever the agency is accepting applications from outside its own workforce, *regardless of where the VEOA eligible is located.*

Please distribute this information to all human resources offices in your Component or Agency to ensure VEOA applicants are allowed to apply under merit promotion procedures open to candidates outside the agency's workforce, regardless of the geographic limitations cited in the vacancy announcement.

Should you have any questions regarding this decision, please contact Janet Grubbs at (703) 696-1622.


Brad Bunn
Director

Attachment:
As stated

DISTRIBUTION: ASSISTANT G-1 FOR CIVILIAN PERSONNEL POLICY,
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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

May 14, 2007

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

From: LINDA M. SPRINGER 
DIRECTOR

Subject: Consideration Under the Veterans Employment Opportunities Act of 1998 (VEOA)

On February 21, 2007, the Merit Systems Protection Board (Board) issued a decision in *William B. Jolley v. Department of Homeland Security* that affects eligibility for veterans applying for Veterans Employment Opportunities Act (VEOA) appointments under merit promotion procedures. The Board decided that the plain language of the VEOA in 5 U.S.C. 3304(f)(1) provides that any individual eligible under VEOA, regardless of where they are located, may compete for a vacancy whenever the hiring agency will accept applications from outside its own workforce. Prior to this decision, the Office of Personnel Management's (OPM) policy was that VEOA eligibles were subject to the same area of consideration limitations as other applicants. OPM did not appeal the Board's decision.

Based on the Board's decision, if a vacancy is advertised under merit promotion procedures and the agency will accept applications from outside its own workforce, all VEOA eligibles, regardless of where they are located, may apply.

VEOA eligibles, as defined in 5 U.S.C. 3304(f)(1), are:

Preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of active service.

Agencies should be aware of the Board's decision in interpreting 5 U.S.C. 3304(f)(1). OPM will be considering revisions to the VetGuide and VetsInfo Guide on our Web site. This may take some time so I wanted to inform you of the impact of the Board's decision.

Should you have questions concerning this decision, please contact your Human Capital Officer.

cc: Human Resources Directors