

Appellant

United States of America
Merit Systems Protection Board

	)	Case No.	
Appellant,)		
	)	<u>APPELLANT'S REQUESTS FOR</u>	
	)	<u>ADMISSION</u>	
v.	)	Set Two	
	)	Federal Rules of Civil Procedure, Rule 33 (as	
United States Department of Justice,	)	modified by Acknowledgment Order)	
Respondent.	)	Requests Served:	10/7/2009
	)	Date Responses Due:	10/27/2009

10. Admit that between 6/15/09 and 7/1/09, there were no communications concerning applicant [“appellant” or “applicant” means [REDACTED] DOB [REDACTED]] between anyone with SACU and anyone with the Human Resources Division.

11. Admit that between 6/15/09 and 7/1/09, there were no official communications concerning applicant between anyone with SACU and anyone with the Human Resources Division.

12. Admit that between 6/15/09 and 7/1/09, there were no written communications concerning applicant between anyone with SACU and anyone with the Human Resources Division.

13. Admit that SACU was not authorized to assess applicant’s competitiveness in any fashion.

14. Admit that the function of SACU includes performing background investigations.

15. Admit that the function of SACU includes approving applicants for security clearances.

16. Admit that the function of SACU does not include assessing the competitiveness of applicants in any fashion.

17. Admit that the Human Resources Division is responsible for assessing the competitiveness of applicants.

18. Admit that aside from the Human Resources Division, no entity in the FBI is authorized to assess the competitiveness of applicants.

19. Admit that no SACU personnel are authorized to assess an applicant’s competitiveness in any fashion.

20. Admit that in the excepted service, moral character of applicants is not an authorized measurement/indicator/dimension of competitiveness of applicants, except to the extent moral character rises to the level of OPM suitability.

21. Admit that in the excepted service, it is illegal to prefer one applicant over another for reasons of moral character when the moral character of the non-preferred applicant does not rise to the level of OPM suitability.

22. Admit that the FBI is required to follow the merit system principles enumerated at 5 U.S.C. sec. 2301(b).

23. Admit that applicant was not unsuitable for employment until at least 6/30/09.

24. Admit that all of applicant's self-reported conduct in his written application was adjudicated in applicant's favor (i.e., the self-reported conduct did not cause applicant to be unsuitable).

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Date 10/7/09

By: /S/

[REDACTED]

[REDACTED]

Appellant's Requests for Admission, Set Two

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

Agency Representative

FBI

Office of General Counsel

Employment Law Unit

935 Pennsylvania Avenue, NW, Room PA-400

Washington, DC 20535

by way of:

☐ Email

☒ U.S. Mail

☐ Overnight Delivery

☐ Facsimile

I declare under penalty of perjury [REDACTED] that the foregoing is true and correct.

Date: 10/7/2009

By: /S/

[REDACTED]
Appellant