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UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WESTERN REGIONAL OFFICE
EVELINE J. EMMENEGGER,
DOCKET NUMBER
Appellant, SF-0432-21-0258-I-1
v. Franklin M. Kang
Administrative Judge
U.S. DEPARTMENT OF THE INTERIOR,
Agency. DATE: April 12, 2021

AGENCY'S MOTION TO STAY DEADLINES PENDING THE RETURN OF
APPELLANT TO STATUS QUO ANTE

COMES NOW, the U.S. Department of the Interior, U.S. Geological Survey (Agency), by and through its undersigned counsel of record, Kevin D. Mack, and pursuant to the Acknowledgement Order issued on March 23, 2021, moves to stay all deadlines, including the agency file and discovery, until a decision is issued on Appellant's return to status quo ante. The Board's Acknowledgment Order requires the Agency to file the Agency Response File by April 12, 2021, and for the parties to engage in discovery by April 22, 2021.

Effective March 5, 2021, Appellant was removed from her position as a GS-12, step 9
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Research Microbiologist with the Agency located in Seattle, Washington. On March 22, 2021, Appellant appealed her removal.

The Agency has rescinded Appellant's removal and is currently in the process of returning Appellant to status quo ante. On April 12, 2021, the Agency notified Appellant that it was rescinding her removal, reinstating Appellant to her previous position of record with the same grade, pay and duties she performed prior to her removal, that the Agency expunged all references to the removal from the Appellant's Official Personnel File, including the notice of

proposed removal and the decision letter. Appellant was notified that her reinstatement will be effected May 9, 2021 and that she will return to duty on May 10, 2021.

Appellant was also notified that the Agency is working to determine the appropriate amount of back pay she will receive, which could take approximately forty-five days. See April 12, 2021, Agency's Notice of Rescission of the Removal Action and Intent to Return Appellant to Status Qual Ante.

A stay of all deadlines pending the imminent return of Appellant to status quo ante is appropriate because it will accommodate judicial efficiency and economy, and will help the parties conserve their limited resources. Staying the agency file and discovery deadlines here makes practical sense as it will allow for the resolution of this matter.

In light of all the foregoing, the Agency moves to stay the agency file and discovery deadlines in this matter until the Agency can effectuate returning Appellant to the status quo ante.

Respectfully submitted,

By: Kevin D. Mack

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Agency Counsel

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