



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