

MSPB NOMINATION HEARING TESTIMONY

B. Chad Bungard MEMBER (TO BE DESIGNATED VICE CHAIRMAN) U.S. MERIT SYSTEMS PROTECTION BOARD

SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

June 12, 2019

Chairman Johnson, Ranking Member Peters, and Members of the Committee: I would like to thank you for inviting me here today.

I would also like to thank my wife, Emma, our children, Max, Harry, Molly, and Beckett, my father and mother, my father-in-law and mother-in-law, and the rest of my family. I would also like to thank MSPB Legislative Counsel Rosalyn Coates and MSPB General Counsel Tristan Leavitt for their assistance in preparing me for this hearing.

Throughout my Federal career, I have been devoted to fighting corruption at the highest levels, increasing the effectiveness and efficiency of agencies and their programs to provide the best possible services to the American people, promoting the efficiency of the service, and fighting and preventing fraud, waste, and abuse in an effort to save taxpayer dollars and pursue recoveries for the taxpayers.

I believe that my experience has equipped me with a unique perspective from which to carry out the responsibilities of the Vice Chairman, and insight into the absolute importance of protecting the merit system principles and promoting an effective and efficient workforce, free of prohibited personnel practices.

Following my time in private practice in the area of Federal civil litigation, I have served in the Federal government since 2001. My Federal career began on the Hill, where I primarily focused on oversight, government reform, and Federal civil service policy.

I moved to the Executive Branch in 2006, as the General Counsel for the Merit Systems Protection Board. In that role, I acquired a thorough knowledge of MSPB's practices and procedures. In addition to serving as the chief legal officer for the Board and the MSPB's components, I oversaw the MSPB's heavy litigation docket before the U.S. Court of Appeals for the

Federal Circuit, and oversaw the preparation of dozens of draft decisions for the Board, including in petition for enforcement cases.

Several years later, I left the MSPB to serve as the Counsel to the Inspector General for the Social Security Administration (SSA). In that role, I was the chief legal officer for the SSA Office of the Inspector General for almost five years, where I served as SSA's first Whistleblower Protection Ombudsman for the entire agency's more than 65,000 employees. Under delegated authority from the Social Security Commissioner, I was also responsible for administering SSA's Civil Monetary Penalty Program, where I achieved unprecedented results for the taxpayers. I then served for a few years as the General Counsel for the Office of the Special Inspector General for the Troubled Asset Relief Program.

During my twelve years as a chief legal advisor for three different Federal entities, I performed complex legal analysis and provided advice on a wide range of legal issues. During those twelve years, I routinely provided supervision of legal advice and representation on agency personnel matters.

I currently serve as the Deputy Commissioner for the Office of Analytics, Review, and Oversight) at SSA. In that role, I am responsible for providing executive leadership to more than 2,000 employees, including leading the Office of Anti-Fraud Programs, the Office of Quality Review, the Office of Analytics and Improvements, and the Office of Appellate Operations, where SSA's Administrative Appeals Judges adjudicate appeals from SSA's Administrative Law Judges.

The MSPB is central to the application of the merit system principles to the Federal workforce. The nine merit principles focus generally on: (1) ensuring recruitment, retention, pay and other conditions of employment are determined solely on the basis of relative ability, knowledge, skills, and performance; (2) ensuring that employees maintain high standards of integrity, conduct, and concern for the public interest; (3) ensuring that employees are free from arbitrary action, personal favoritism, and reprisal for protected disclosures; and (4) ensuring employees are adequately trained, and that the federal workforce is used efficiently and effectively.

The merit principles are essential to the maintenance of an effective and efficient federal workforce. The Federal government has a unique role. The business of Government is to serve the American people. We must have a Federal workforce that the American people can count on, and key to that is protecting merit system principles and promoting a workplace free of prohibited personnel practices.

The Federal workforce needs to be able to recruit, retain, and promote the best and the brightest based solely on their skill and performance in carrying out the many Federal services for the American people. The Federal workplace must be free of arbitrary action and favoritism of any sort, and be committed to the highest standards of conduct and integrity. It must also be a workplace where employees are encouraged to come forward with ideas for improving business practices and to report fraud, waste, or abuse, without fear of retaliation. If we strive for that, then there is no reason the Federal government cannot compare favorably to leading private sector organizations. Effective stewardship of taxpayer funds is a crucial responsibility of Government, from preventing fraud to maximizing impact.

That is why the MSPB'S mission is so important. If confirmed, I commit to protecting the merit system principles and promoting an effective workplace free of prohibited personnel practices by reviewing and adjudicating each case with an open mind, good judgment, and impartiality. I will fully and fairly analyze the arguments and decide every case based on the facts in the record and in accordance with the rule of law. I will decide matters independently, without fear or favor, and to the best of my ability. It is absolutely essential that the Board inspire public confidence in its independence, integrity, and impartiality. I will also strive to ensure that the MSPB's studies and review of OPM rules contribute to the management of the Federal workforce in accordance with merit system principles and promote a workplace free of prohibited personnel practices.

In sum, I believe that my background and extensive experience uniquely qualifies me for the rigors of the position of Vice Chairman of the Board and provides me with a profound understanding of the need to ensure the protection of the merit system principles and to promote an effective Federal workforce free of prohibited personnel practices.

I would be happy to answer any questions that you may have. Thank you.