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4 Appellant
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8 *United States of America*
9 *Merit Systems Protection Board*
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12 [REDACTED]) Case No. [REDACTED]
13 Appellant,)
14) APPELLANT'S REQUESTS FOR
15 v.) ADMISSION
16) Set One
17 United States Department of Justice,) Federal Rules of Civil Procedure, Rule 33 (as
18 Respondent.) modified by Acknowledgment Order)
19) Requests Served: 10/5/2009
20) Date Responses Due: 10/26/2009
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[REDACTED] Appellant's Requests for Admission, Set One

1. Admit that a negative suitability determination of appellant [“appellant” or “applicant” means [REDACTED] DOB [REDACTED] was made.

2. Admit that the Merit Systems Protection Board has jurisdiction to hear appellant’s appeal.

3. Admit that appellant was not advised of the scope of the FBI applicant background investigation in his Personnel Security Interview.

4. Admit that appellant was not advised of the scope of the FBI applicant background investigation at any time.

5. Admit that appellant was not advised of any of the “Advise Interviewee” section of the Personnel Security Interview Form at any time.

6. Admit that no person in the FBI asked appellant at any time for the specific factual basis of the conduct reported in appellant’s written statement concerning software practices.

7. Admit that SACU personnel communicated with the [REDACTED] Field Office (including [REDACTED] Resident Agency) between 6/15/09 and 7/1/09 other than receiving a memo from FBI [REDACTED] with enclosures dated 6/15/09.

8. Admit that appellant’s conduct reported in his written statement regarding software practices is not Criminal Copyright Infringement.

9. Admit that the conduct reported on appellant’s written statement regarding software practices is not relevant to the FBI applicant background investigation.

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: 10/5/2009

By: /S/

[REDACTED]