



OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 212, 213, 302, and 930

[Docket ID: OPM-2025-0274]

RIN 3206-AN72

Administrative Law Judges; Withdrawal

AGENCY: Office of Personnel Management

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of Personnel Management is clarifying its withdrawal of a proposed rule published on September 21, 2020. The notice of proposed rulemaking, among other things, proposed revising OPM’s regulations governing the appointment and employment of administrative law judges (ALJs). OPM is withdrawing the proposed rule.

DATES: OPM withdraws the proposed rule as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The docket for this withdrawn rule is available at <https://www.regulations.gov/docket/OPM-2025-0274>.

FOR FURTHER INFORMATION CONTACT: Michael J. Mahoney (202) 936-3265 or email: employ@opm.gov.

SUPPLEMENTARY INFORMATION:

On September 21, 2020, the Office of Personnel Management (OPM) published a notice of proposed rulemaking (NPRM or proposed rule) titled “Administrative Law Judges” in the Federal Register. *See* 85 FR 59207. The NPRM proposed to revise OPM’s regulations governing the appointment and employment of administrative law judges (ALJs). The proposed rule would have implemented Executive Order (E.O.) 13843 titled “Excepting Administrative Law Judges from the Competitive Service.” It would have updated the rules for ALJ hiring in

light of the 2018 creation of schedule E of the excepted service for ALJs and updated the existing ALJ employment regulations to reflect other changes in the law.

In response to the NPRM, OPM received approximately 41 comments during the 60-day comment period which ended on November 20, 2020.

OPM is withdrawing this proposal as the comments are over five years old, and agencies have implemented E.O. 13843. OPM plans to propose regulatory changes to implement Schedule E as part of another rulemaking later this year that will overhaul the excepted service regulations to reflect a variety of legal changes. See RIN 3206-AO92.

OPM hereby withdraws the NPRM.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

Jerson Matias,
Federal Register Liaison.

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