

Foundation of Los Angeles) in the Los Angeles Basin Region.

(1) An Overview of the Demographics of Poverty and Diversity in the Los Angeles Basin, including a presentation on the diversity of legal services to non-English speaking clients. Presented by program executive directors, staff, and community partners.

(2) An in-depth presentation of programs' substantive advocacy, with a specific focus on the problems of affordable housing and health care. Presented by programs' advocacy staff.

4. Consider and act on other business.
5. Public comment.

**FOR MORE INFORMATION CONTACT:** Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary of the Corporation, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336-8800.

Dated: November 1, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 02-28301 Filed 11-4-02; 10:12 am]

**BILLING CODE 7050-01-P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors Ad Hoc Committee on Performance Reviews of the President and Inspector General

**TIME AND DATE:** The Ad Hoc Committee on Performance Reviews of the President and Inspector General of the Legal Services Corporation's Board of Directors will meet on November 9, 2002. The meeting will begin at 1 p.m. and continue until conclusion of the committee's agenda.

**LOCATION:** The W Los Angeles Hotel, 930 Hilgard Avenue, Los Angeles, CA

**STATUS OF MEETING:** Except for approval of the committee's agenda and any miscellaneous business that may come before the committee, the meeting will be closed to the public. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(2) & (6)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR 1622.5(a) & (e)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

### MATTERS TO BE CONSIDERED:

*Open Session:*

1. Approval of agenda.

*Closed Session:*

2. Conduct a performance appraisal of the President of the Corporation.
3. Conduct a performance appraisal of the Acting Inspector General of the Corporation.

*Open Session:*

4. Consider and act on other business.

**FOR MORE INFORMATION CONTACT:** Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth Cushing at (202) 336-8800.

Dated: November 1, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel, and Corporate Secretary.*

[FR Doc. 02-28302 Filed 11-4-02; 10:12 am]

**BILLING CODE 7050-01-P**

## MERIT SYSTEMS PROTECTION BOARD

**[MSPB Docket No. SF-844E-01-0309-B-1]**

### Opportunity To File Amicus Briefs in *Visitacion Ancheta v. Office of Personnel Management*

**AGENCY:** Merit Systems Protection Board.

**ACTION:** The Merit Systems Protection Board has issued an opinion and order in the above-captioned case, in which it notes that it is seeking amicus briefs from interested parties. The issues that the Board would like any amicus brief to address are set forth in the Summary below. The Board's decision can also be accessed on the Board's Web site, [www.mspb.gov](http://www.mspb.gov).

**SUMMARY:** The appellant petitioned for review of an initial decision that affirmed a denial by the Office of Personnel Management (OPM) of her application for disability retirement. In April, 1994, the appellant was appointed to a City Carrier position in the U.S. Postal Service. About a year later, in July, 1995, she sustained a work-related injury, subsequently stopped working, and began receiving compensation for wage-loss from the Office of Workers' Compensation Programs (OWCP). In August, 1997, she accepted the Postal Service's "(r)ehab job offer" of a Modified Letter Carrier (MLC) position, and returned to work.

Effective February 10, 1998, she was removed from her City Carrier position for misconduct.

The appellant then filed an application for disability retirement under the Federal Employees' Retirement System (FERS). OPM denied the application in initial and reconsideration decisions, finding that she failed to establish she was disabled from performing the duties of the MLC position prior to her removal for misconduct. On appeal to the Board, the administrative judge (AJ) held a hearing and then issued the initial decision affirming OPM's final decision on the same grounds set forth by OPM. He found that: (1) The agency had, in effect, been able to accommodate the appellant's medical restrictions in the MLC position; and (2) the appellant did not show that she was unable to work in that position because of a disabling medical condition. The appellant timely filed a petition for review, arguing that the AJ erred by finding her capable of performing the MLC duties. OPM timely filed a response opposing the appellant's petition.

A claim for disability retirement under FERS may be allowed only if an application is filed with OPM before separation from the service or within one year thereafter, unless waiver of this time limit is warranted for mental incompetence. 5 U.S.C. 8453; 5 CFR 844.201(a). Upon filing a timely application, the applicant must establish that: (1) She completed at least eighteen months of creditable civilian service; (2) she was unable, because of disease or injury, to render useful and efficient service in her position; (3) her disabling medical condition is expected to continue for at least one year from the date the application is filed; (4) she was not afforded reasonable accommodation of her disabling condition in her position; and (5) she has not declined a reasonable offer of reassignment to a vacant position in the employing agency for which she is qualified, at the same or greater grade (or pay level), in her commuting area, and in which she is able to render useful and efficient service. 5 U.S.C. 8451(a); 5 CFR 844.103(a).

The record shows, and it is undisputed, that the appellant timely filed her application for disability retirement and that she had completed at least eighteen months of creditable civilian service. Both the AJ and OPM found that the appellant did not show she was disabled from performing the duties of the MLC position. However,