

Metz Factors

In *Metz v. Department of the Treasury*, 780 F.2d 1001 (Fed. Cir. 1986), the Federal Circuit Court stated that to determine if the words constituted a threat, the Merit Systems Protection Board must use the connotation that a reasonable person would give the words. The Court listed several factors to consider in making a determination of a threat:

1. listener's reactions;
2. listener's apprehension of harm;
3. speaker's intent;
4. conditional nature of the statements; and
5. attendant circumstances.