

Office of Administrative Law Judges

WASHINGTON, D.C.

DEPARTMENT OF THE ARMY U.S. ARMY TANK-AUTOMOTIVE AND
ARMAMENTS COMMAND, ARMAMENT RESEARCH AND
DEVELOPMENT CENTER PICATINNY ARSENAL, NEW JERSEY
And FRATERNAL ORDER OF POLICE PICATINNY MIDDLE LODGE NO. 100
Respondents and EDWARD C. ALEQUIN Charging Party

Case Nos.
BN-CO-01-0061
BN-CA-01-0062

Joel L. Friedman Counsel for the Respondent Department of the Army
Stephen G. De Nigris Counsel for the Respondent Fraternal Order of Police
Edward Alequin Charging Party Pro Se
Gail M. Sorokoff Gary J. Lieberman Counsel for the General Counsel, FLRA Before: GARVIN LEE
OLIVER Administrative Law Judge

DECISION

Statement of the Case

On February 1, 2001, the Acting Regional Director, Boston Regional Office, Federal Labor Relations Authority, issued a Complaint and Notice of Hearing alleging that the Respondent Department of the Army, U.S. Army Tank - Automotive and Armaments Command, Armament Research and Development Center, Picatinny Arsenal, New Jersey violated section 7116(a)(1), (3) and (8) of the Federal Service Labor-Management Relations Statute (the Statute), and that Respondent Fraternal Order of Police, Picatinny Middle Lodge No. 100, violated section 7116(b)(1) and (8) of the Statute. Each of the Respondents filed an Answer and Prehearing Disclosure documents denying the alleged violations.

In view of extended but unsuccessful settlement negotiations, the hearing commenced on May 23, 2001 in New York City. Near the end of the first day's hearing, Counsel for the Army and the Fraternal Order of Police and Mr. Alequin again conferred and designed a plan calling for a series of steps which could lead to settlement. On July 10, 2001, Counsel for the General Counsel advised that the parties had reached an agreement in settlement of the unfair labor practice charge and, in view of the settlement agreement, the Charging Party had requested to withdraw the charge. Accordingly, the General Counsel has moved that the case be remanded to the Regional Director for approval of the parties' settlement and the Charging Party's withdrawal request.

The work to effect a settlement was very difficult and involved a great deal of intensive effort, probably exceeding that which would have been necessary to complete the litigation. Accordingly, Ms. Gail M. Sorokoff, Mr. Gary J. Lieberman, Mr. Stephen G. De Nigris, Mr. Joel L. Friedman, Mr. Edward C. Alequin, and other affected and concerned individuals, including the Acting Regional Director Richard D. Zaiger, are

to be commended for their efforts in resolving this matter to the satisfaction of all parties while avoiding protracted litigation.

ORDER

Pursuant to 5 C.F.R. 2423.31(e)(1) of the Authority's Rules and Regulations, permission to withdraw the Complaint is Granted. The case is hereby, Remanded to the Regional Director for such further action as he may deem appropriate to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute.

Issued, Washington, DC, July 12, 2001.

GARVIN LEE OLIVER

Administrative Law Judge