

UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
Office of Administrative Law Judges  
WASHINGTON, D.C. 20424-0001

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS FEDERAL CORRECTIONAL INSTITUTION (FCI) MCKEAN BRADFORD, PENNSYLVANIA  Respondent	Case No. BN-CA-90515
and  AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3974, AFL-CIO  Charging Party	

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been heard before the undersigned Administrative Law Judge pursuant to the Statute and the Rules and Regulations of the Authority, the undersigned herein serves his Decision, a copy of which is attached hereto, on all parties to the proceeding on this date and this case is hereby transferred to the Federal Labor Relations Authority pursuant to 5 C.F.R. § 2423.34(b).

PLEASE BE ADVISED that the filing of exceptions to the attached Decision is governed by 5 C.F.R. §§ 2423.40-2423.41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Any such exceptions must be filed on or before **FEBRUARY 14, 2000**, and addressed to:

Federal Labor Relations Authority  
Office of Case Control  
607 14th Street, NW., Suite 415  
Washington, DC 20424-0001

SAMUEL A. CHAITOVITZ

Chief Administrative Law

Judge

Dated: January 14, 2000  
Washington, DC

UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
Office of Administrative Law Judges  
WASHINGTON, D.C. 20424-0001

MEMORANDUM  
2000

DATE: January 14,

TO: The Federal Labor Relations Authority

FROM: SAMUEL A. CHAITOVITZ  
Chief Administrative Law Judge

SUBJECT: U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS  
FEDERAL CORRECTIONAL INSTITUTION (FCI) MCKEAN  
BRADFORD, PENNSYLVANIA

Respondent

and  
CA-90515

Case No. BN-

AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, LOCAL 3974, AFL-CIO

Charging Party

Pursuant to section 2423.34(b) of the Rules and Regulations, 5 C.F.R. § 2423.34(b), I am hereby transferring the above case to the Authority. Enclosed are copies of my Decision, the service sheet, and the transmittal form sent to the parties.

Enclosures

**FEDERAL LABOR RELATIONS AUTHORITY**

Office of Administrative Law Judges

OALJ

00-14

WASHINGTON, D.C.

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS FEDERAL CORRECTIONAL INSTITUTION (FCI) MCKEAN BRADFORD, PENNSYLVANIA  Respondent	
and  AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3974, AFL-CIO  Charging Party	Case No. BN-CA-90515

William C. Lindsey, Esquire  
For the Respondent

Lawrence L. Kuo, Esquire  
Richard D. Zaiger, Esquire  
For the General Counsel, FLRA

Before: SAMUEL A. CHAITOVITZ  
Chief Administrative Law Judge

**DECISION AND ORDER REMANDING CASE**

This case was initiated by an Unfair Labor Practice charge filed by the American Federation of Government Employees, Local 3974 (AFGE Local 3974), alleging a violation of section 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute (the Statute), by the U.S. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution (FCI) McKean, Bradford, Pennsylvania (FCI McKean). A Complaint and Notice of Hearing was issued on September 29, 1999.

A hearing in the above case was opened on November 4, 1999, in Pittsburgh, Pennsylvania. At the request of all parties, the hearing was adjourned without a continuation date. A Notice was then issued setting the hearing to resume on January 5, 2000, and then the hearing was rescheduled at the request of the General Counsel of the Federal Labor Relations Authority (GC), to reopen on February 3, 2000.

The GC filed a Motion to Withdraw Complaint and Notice of Hearing, which stated that the parties had advised the GC that they have reached a settlement which has resulted in withdrawal of the underlying charge. Accordingly, the GC has moved to withdraw the complaint without prejudice.

In light of the foregoing, it is **ORDERED**, that the hearing in this case is Closed; and pursuant to section 2423.31(1) of the Authority's Rules and Regulations, this case is hereby **REMANDED** to the Regional Director, Boston Regional Office, Federal Labor Relations Authority, for further action consistent herewith.

Issued, Washington, DC, January 14, 2000.

—  
Judge

---

SAMUEL A. CHAITOVITZ  
Chief Administrative Law

**CERTIFICATE OF SERVICE**

I hereby certify that copies of this **DECISION** issued by SAMUEL A. CHAITOVITZ, Chief Administrative Law Judge, in Case No. BN-CA-90515, were sent to the following parties:

**CERTIFIED MAIL AND RETURN RECEIPT**

**CERTIFIED NOS:**

Lawrence Kuo, Esquire  
Richard Zaiger, Esquire  
Federal Labor Relations Authority  
99 Summer Street, Suite 1500  
Boston, MA 02110

P168-060-135

William Lindsey, Esquire

P168-060-136

DOJ, FBOP  
320 First Street, NW, Rm. 724  
Washington, DC 20534

Joseph Corcoran, Representative  
AFGE, Local 3974  
P.O. Box 611  
Irwin, PA 15642

P168-060-137

**REGULAR MAIL:**

President  
AFGE, AFL-CIO  
80 F Street, NW.  
Washington, DC 20001

---

CATHERINE L. TURNER, LEGAL TECHNICIAN

DATED: JANUARY 14, 2000  
WASHINGTON, DC