

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

U.S. FOOD AND DRUG ADMINISTRATION SOUTHEAST REGIONAL OFFICE ATLANTA, GEORGIA Respondent and NATIONAL TREASURY EMPLOYEES UNION Charging Party	Case No. AT-CA-01-0830

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. §§ 2423.40-41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Any such exceptions must be filed on or before **DECEMBER 23, 2002**, and addressed to:

Office of Case Control
Federal Labor Relations Authority
607 14th Street, N.W., Suite 415
Washington, D.C. 20424

RICHARD A. PEARSON
Administrative Law Judge

Dated: November 20, 2002
Washington, DC

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
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WASHINGTON, D.C. 20424-0001

MEMORANDUM

DATE: November 20, 2002

TO: The Federal Labor Relations Authority

FROM: RICHARD A. PEARSON
Administrative Law Judge

SUBJECT: U.S. FOOD AND DRUG ADMINISTRATION
SOUTHEAST REGIONAL OFFICE
ATLANTA, GEORGIA

Respondent

and
CA-01-0830

Case No. AT-

NATIONAL TREASURY EMPLOYEES UNION

Charging Party

Pursuant to section 2423.31(e) of the Rules and Regulations 5 C.F.R. § 2423.31(e), 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. Also enclosed are filings and other supporting documents filed by the parties.

Enclosures

FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges OALJ 03-05
WASHINGTON, D.C.

U.S. FOOD AND DRUG ADMINISTRATION SOUTHEAST REGIONAL OFFICE ATLANTA, GEORGIA <p style="text-align: center;">Respondent</p> and NATIONAL TREASURY EMPLOYEES UNION <p style="text-align: center;">Charging Party</p>	Case No. AT-CA-01-0830

Cabrera Nelson, Esquire
For the Respondent

Janis Shelton, Assistant Counsel
For the Charging Party

Brent S. Hudspeth, Esquire
For the General Counsel

Before: RICHARD A. PEARSON
 Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On July 15, 2002, the Regional Director of the Atlanta Regional Office, Federal Labor Relations Authority issued a Complaint and Notice of Hearing alleging that the U.S. Food and Drug Administration, Southeast Regional Office, Atlanta, Georgia (the Respondent), violated section 7116(a)(1) and (5) of the Federal Service Labor-Management Relations Statute (the Statute). The Respondent subsequently filed an Answer denying the allegations of the complaint and asserting various affirmative defenses.

The hearing in this case opened, and testimony of one witness was heard, on November 14, 2002, in Atlanta, Georgia. During a recess in the hearing, the parties entered into settlement discussions and reached agreement on a resolution of the issues in the case. After the parties

reached their agreement, the hearing was adjourned on November 14, 2002, and the record was closed.

On November 18, 2002, Counsel for the General Counsel filed a Motion to Remand Case to Regional Director to Approve Request to Withdraw. In the motion, Counsel states that the Charging Party has requested to withdraw the charge in accordance with the parties' resolution and that neither the Charging Party nor the Respondent objects to the motion to remand. It appears that settlement of this case would effectuate the purposes and policies of the Statute, and that remanding the case to the Regional Director is appropriate.

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 she may deem appropriate to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute.

Issued, Washington, DC, November 20, 2002.

RICHARD A. PEARSON
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of this **DECISION REMANDING CASE**, issued RICHARD A. PEARSON, Administrative Law Judge, in Case No. AT-CA-01-0830, were sent to the following parties:

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CERTIFIED NOS:

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CATHERINE L. TURNER, LEGAL TECHNICIAN

DATED: NOVEMBER 20, 2002
WASHINGTON, DC