



FEDERAL LABOR RELATIONS AUTHORITY

Office of Administrative Law Judges
WASHINGTON, D.C.

OALJ 12-12

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FEDERAL CORRECTIONAL INSTITUTION
MARIANNA, FLORIDA

RESPONDENT

AND

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO, COUNCIL OF PRISON
LOCALS, LOCAL 4036

CHARGING PARTY

Case No. AT-CA-11-0459

Brent S. Hudspeth, Esq.
For the General Counsel

Alicia Daniels-Lewis
For the Respondent

Jeff Godwin
For the Charging Party

Before: RICHARD A. PEARSON
Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On August 5, 2011, the American Federation of Government Employees, AFL-CIO, Council of Prison Locals, Local 4036 (the Charging Party), filed an unfair labor practice charge against the Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Marianna, Florida (the Respondent). On October 31, 2011, the Acting Regional Director of the Atlanta Region, Federal Labor Relations Authority (the Authority), issued a Complaint and Notice of Hearing alleging that the Respondent violated section 7116(a)(1) and (5) of the Federal Service Labor-Management Relations Statute (the Statute) by repudiating an agreement not to implement extended tours of duty for certain correctional officers while a nationwide grievance on the matter was pending. On November 28, 2011, the Respondent filed an Answer in which it admitted some of the allegations, but asserted that it did not violate the Statute as alleged.

A hearing in the matter was scheduled for January 25, 2012, but the hearing was canceled when the parties filed a Joint Motion to Enter Into Stipulation of Facts. The motion was granted, the hearing was canceled, and February 24, 2012, was set as the date for filing briefs.

On March 27, 2012, the General Counsel filed a Motion for Permission to Withdraw Complaint in Order to Approve Charging Party's Request to Withdraw. In its motion, the General Counsel indicated that the parties have reached a settlement agreement of the underlying case, pursuant to which the Charging Party has requested to withdraw its charge. Therefore, pursuant to section 2423.31(e)(1) of the Authority's Regulations, the General Counsel now seeks permission to withdraw the complaint. It appears that settlement of this case on terms and conditions amicably determined by the parties effectuates the purposes and policies of the Statute, and that remanding the case to the Regional Director for such action is appropriate.

ORDER

Pursuant to section 2423.31(e)(1) of the Authority's Regulations, 5 C.F.R. § 2423.31(e)(1), permission to withdraw the complaint is GRANTED.

The case is hereby Remanded to the Regional Director for further action as he deems appropriate to effectuate the purposes and policies of the Statute.

Issued, Washington, D.C., April 10, 2012.

RICHARD A. PEARSON
Administrative Law Judge