



FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C.

OALJ 13-25

DEPARTMENT OF THE NAVY
NAVAL SEA SYSTEMS COMMAND
SOUTHEAST REGIONAL MAINTENANCE CENTER
MAYPORT, FLORIDA

RESPONDENT

AND

MAYPORT REGIONAL MAINTENANCE CENTER
COUNCIL

CHARGING PARTY

Case No. AT-CA-12-0413

Mark D. Halverson
Brent S. Hudspeth
For the General Counsel

Larry A. Brown
Kate D'Andrea
For the Respondent

Before: RICHARD A. PEARSON
Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On May 7, 2012, the Mayport Regional Maintenance Center Council (the Union), filed an unfair labor practice charge against the Department of the Navy, Naval Sea Systems Command, Southeast Regional Maintenance Center, Mayport, Florida (the Respondent). On January 17, 2013, the Regional Director of the Atlanta Region of the Federal Labor Relations Authority (the Authority), on behalf of the Authority's General Counsel (the General Counsel), issued a Complaint and Notice of Hearing alleging that the Respondent violated section 7116(a)(1) and (2) of the Federal Service Labor-Management Relations Statute (the Statute), by terminating probationary employee DeWayne Mack for engaging in protected activity. On February 5, 2013, the Respondent filed an Answer in which it denied violating the Statute as alleged.

A hearing in the matter was held on March 19, 2013, and the parties subsequently filed post-hearing briefs.

On August 29, 2013, Counsel for the General Counsel filed a Motion for Permission to Withdraw Complaint in Order to Approve Charging Party's Request to Withdraw. In the motion, the General Counsel indicated that the parties have reached a settlement of their underlying dispute, pursuant to which the Charging Party has requested to withdraw its charge, and that the General Counsel concurs in the withdrawal. Therefore, pursuant to section 2423.31(e)(1) of the Authority's Regulations, the General Counsel now seeks permission to withdraw the complaint. I conclude 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., September 3, 2013



RICHARD A. PEARSON
Administrative Law Judge