



FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424

OALJ 16-15

U.S. DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
TEMPLE, TEXAS

RESPONDENT

Case No. DA-CA-15-0080

AND

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 571, AFL-CIO
CHARGING PARTY

Charlotte A. Dye
For the General Counsel

James A. Keim
For the Respondent

Paul D. Palacio
For the Union

Before: CHARLES R. CENTER
Chief Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On December 4, 2014, the American Federation of Government Employees, Local 571, AFL-CIO (Union/Local 571) filed an unfair labor practice charge against the U.S. Department of Agriculture, Rural Development, Temple, Texas (Respondent). On June 30, 2015, the Dallas Regional Director of the Federal Labor Relations Authority (Authority) issued a Complaint and Notice of Hearing, alleging that the Respondent violated § 7116(a)(1) and (5) of the Federal Service Labor-Management Relations Statute (Statute) by implementing a change to bargaining unit employees' conditions of employment without providing the Union with notice and an opportunity to bargain to the extent required by the Statute. On July 7, 2015, the Respondent filed its Answer to the Complaint.

A hearing was held on November 19, 2015, in Temple, Texas, where testimony was taken and documentary evidence introduced into the record. The General Counsel and Respondent timely filed post-hearing briefs.

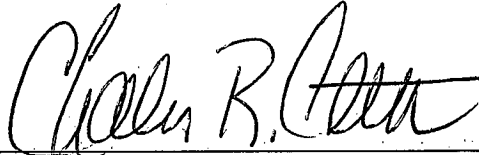
On January 7, 2016, Counsel for the General Counsel filed a Motion to Remand Case to the Dallas Region, indicating that an informal settlement had been reached with the Respondent. The motion indicated that the Respondent did not oppose the motion, but the Union opposed the motion. Neither the Respondent or Union filed a response to the motion within the five days allotted by 5 C.F.R. § 2423.21(b)(3).

Absent an explanation for opposition, pursuant to § 2423.31(e)(1) of the Rules and Regulations of the Authority, I conclude that the withdrawal of the Complaint is appropriate in light of the uncontested assertions set forth in the motion to remand. Therefore, I find that remanding the case to the Regional Director for further action is appropriate.

ORDER

The General Counsel's Motion to Remand Case 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., January 21, 2016



CHARLES R. CENTER
Chief Administrative Law Judge