

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424-000

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C. Respondent	
and AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3475 Charging Party	Case No. DA-CA-00452

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 **NOVEMBER 22, 2000**, and addressed to:

Federal Labor Relations Authority
Office of Case Control
607 14th Street, NW, 4th Floor
Washington, DC 20424-0001

WILLIAM B. DEVANEY
Administrative Law Judge

Dated: October 23, 2000
Washington, DC

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

MEMORANDUM

DATE: October 23, 2000

TO: The Federal Labor Relations Authority

FROM: WILLIAM B. DEVANEY
Administrative Law Judge

SUBJECT: UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C.

Respondent

and

Case No. DA-CA-00452

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3475

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. Also enclosed are the transcript, exhibits and any briefs filed by the parties.

Enclosures

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

OALJ 01-04

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C. Respondent	
and AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3475 Charging Party	Case No. DA-CA-00452

Mary Larson, Esquire
Shannon Rivers
For the General Counsel

Mary C. Merchant
For the Respondent

Dorothy Pleasant
For the Charging Party

Before: WILLIAM B. DEVANEY
Administrative Law Judge

DECISION

Statement of the Case

This case was set for hearing on October 13, 2000, in New Orleans, Louisiana, seriatim following Case No. DA-CA-00106. Counsel for Respondent, President of the Charging Party, witnesses, Court Reporter and the undersigned were present prior to the scheduled time of the hearing. At about 0900, the Regional Attorney, Ms. Charlotte A. Dye, called the undersigned to report that one of the attorneys for General Counsel, Ms. Larson, had become ill and the other attorney for General Counsel, Ms. Rivers, had taken her to a hospital. The undersigned told the Regional Attorney to send Ms. Rivers to try the cases as soon as possible. The Regional Attorney moved for a continuance which was denied. The undersigned emphasized to the Regional Attorney that the hospital staff would take care of Ms. Larson; that Ms. Rivers could do nothing for her; and that it would be an unwarranted imposition on

Respondent, Charging Party, the witnesses, the Court Reporter and the undersigned not to utilize the services of the other attorney, Ms. Rivers, who was present in New Orleans for the express purpose of trying these cases. It was agreed that the opening of the hearing would be delayed until noon. At about 11:30 a.m. the Regional Attorney called and steadfastly refused to send Ms. Rivers to the hearing and conceded that I would have to dismiss this case for want of prosecution. I went on the record, recited the refusal of the Regional Attorney to use an available attorney to try the case, offered Charging Party the right to proceed without the General Counsel, which Ms. Pleasant, President of Local 3475, declined and, because General Counsel refused to prosecute, dismissed the complaint.

WILLIAM B. DEVANEY
Administrative Law Judge

Issued: October 23, 2000
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that copies of this DECISION issued by WILLIAM B. DEVANEY, Administrative Law Judge, in Case No. DA-CA-00452, were sent to the following parties in the manner indicated:

**CERTIFIED MAIL & RETURN RECEIPT
NUMBER**

CERTIFIED

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Dated: October 23, 2000
Washington, DC