

FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
LOCAL 1457
(Respondent)

and

U.S. DEPARTMENT OF THE ARMY
LETTERMAN ARMY MEDICAL CENTER
SAN FRANCISCO, CALIFORNIA
(Charging Party)

9-CO-90016

ORDER

June 29, 1990

Respondent has filed exceptions to the decision of the Administrative Law Judge in the above-captioned case.

The Administrative Law Judge's decision and order, issued on May 3, 1990, informed the parties that exceptions to the decision must be filed on or before June 4, 1990 at the Authority's Docket Room in Washington, D.C. The two methods of filing documents with the Authority are by mail (U.S. Postal Service) or in person (party, agent or delivery service). 5 C.F.R. § 2429.24(e).

Respondent mailed its exceptions to the Authority's Office of the Administrative Law Judges (ALJ). The ALJ's Office received Respondent's exceptions and forwarded the exceptions to the Authority's Docket Room on June 7, 1990. Respondent's exceptions were received in the Authority's Docket Room on June 7, 1990. 5 C.F.R. § 2429.24(e).

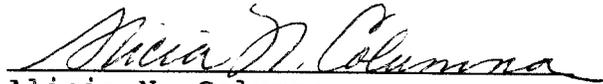
Exceptions to the Administrative Law Judge's decision must be filed in the Authority's Docket Room, 500 C Street, SW., Washington, D.C. 20424. 5 C.F.R. § 2429.24(a). See American Federation of Government Employees, Local 1457 and U.S. Department of the Army, Letterman Army Medical Center, San Francisco, California, 34 FLRA No. 2 (1989).

Section 2429.21(b) of the Authority's Regulations provides that "[i]f the filing is by personal delivery, it shall be considered filed on the date it is received by the Authority[.]" Because Respondent's exceptions were mailed to the Office of the Administrative Law Judge and not the Authority's Docket Room, the date of filing of the exceptions was the date the exceptions were hand-delivered personally to, and received by, the Authority in its Docket Room. Accordingly, Respondent's exceptions were filed on June 7, 1990, the date they were received in the Docket Room. As Respondent's exceptions were not timely filed, the exceptions are dismissed.

In the absence of timely filed exceptions to the Administrative Law Judge's decision and order, the findings, conclusions and recommendations of the Administrative Law Judge constitute, without precedential significance, the findings, conclusions, and decision and order of the Authority. 5 C.F.R. § 2423.29(a). All objections and exceptions are waived for all purposes.

Respondent shall comply with the Judge's order.

For the Authority.


Alicia N. Columna
Director, Case Control Office