

UNITED STATES OF AMERICA  
FEDERAL LABOR RELATIONS AUTHORITY  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C. 20424

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DEPARTMENT OF THE ARMY  
HEADQUARTERS, XVIII AIRBORNE  
CORPS AND FORT BRAGG,  
FORT BRAGG, NORTH CAROLINA  
Respondent  
and  
AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES,  
LOCAL 1770  
Charging Party  
.....

Case No. 4-CA-00688

Captain Rex B. Staub  
For the Respondent  
Philip Wayne Barton, Esquire  
For the Charging Party  
Richard S. Jones, Esquire  
For the General Counsel  
Before: WILLIAM B. DEVANEY  
Administrative Law Judge

DECISION

Statement of the Case

This proceeding, under the Federal Service Labor-  
Management Relations Statute, Chapter 71 of Title 5 of the  
United States Code, 5 U.S.C. § 7101, et seq.<sup>1/</sup>, and the  
Rules and Regulations issued thereunder, 5 C.F.R. § 2423.1,

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<sup>1/</sup> For convenience of reference, sections of the Statute  
hereinafter are, also, referred to without inclusion of the  
initial "71" of the statutory reference, e.g., Section  
7116(a)(2) will be referred, simply, as "§ 16(a)(2)."

et seq., concerns whether Respondent, in violation of §§ 16(a)(1) and (2) of the Statute, failed to select Thomas L. Dixon for a WG-6 Warehouse position because he engaged in protected activity.<sup>2/</sup>

This case was initiated by a charge filed on July 9, 1990 (G.C. Exh. 1(a)), which alleged violations of §§ 16(a)(1), (2), (4) and (8) of the Statute; and by a First Amended charge filed on August 28, 1990 (G.C. Exh. 1(c)), which alleged violations only of §§ 16(a)(1) and (2). The Complaint and Notice of Hearing (G.C. Exh. 1(e)) issued on September 18, 1990; alleged violations of §§ 16(a)(1) and (2) of the Statute; and set the hearing for October 25, 1990. By Order dated October 3, 1990 (G.C. Exh. 1(g)), this case together with 20 other cases was indefinitely postponed because of the exigencies of the federal budget. By Order dated January 29, 1991 (G.C. Exh. (i)), this case was rescheduled for hearing on February 14, 1991, pursuant to which a hearing was duly held on February 14, 1991, in Fayetteville, North Carolina, before the undersigned. All parties were represented at the hearing, were afforded full opportunity to be heard, to introduce evidence bearing on the issues involved, and were afforded the opportunity to present oral argument which the Charging Party and Respondent exercised. At the conclusion of the hearing, March 14, 1991, was fixed as the date for mailing post-hearing briefs, which time was subsequently extended, on motion of Respondent, to which the other parties did not object, for good cause shown, to April 14, 1991. General Counsel and Respondent each timely mailed an excellent brief, received on April 15, 1991, which have been carefully considered. On the basis of the entire record, including my observation of the witnesses and their demeanor, I make the following findings and conclusions:

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<sup>2/</sup> Respondent in its Brief (pages unnumbered, but the second and third pages) for the first time states that, ". . . in June of 1990 Thomas Dixon . . . filed a step 1 grievance over his non-selection . . . The step 2 and 3 deciding officials both denied the grievance and it is now pending arbitration." Nevertheless, Respondent did not make any assertion that this proceeding is barred by § 16(d). Since the issue was neither raised at the hearing nor even belatedly in Respondent's Brief, it is not further considered.

## FINDINGS

1. Mr. Thomas L. Dixon is employed by Respondent as a WG-5 Warehouse Worker (Forklift Operator) (Jt. Exh. 2; Tr. 18) and has occupied this job since October, 1981 (Jt. Exh. 4, Basic Application, p. 3; Tr. 18). He has worked for Troop Issue Subsistence Activity (TISA) at Cold Storage for most of his employment by Respondent, although in 1988 he worked in the Dry Storage Maxi Mart for five months (Jt. Exh. 4, id.). Since April, 1989, his supervisor has been Mr. Walter R. Coakley (Tr. 19, 47).

2. After Mr. Coakley's arrival, Mr. Dixon filed several grievances against Mr. Coakley on behalf of himself and others (Tr. 20).

3. Mr. Dixon, a member of Local 1770 (Tr. 19), was named a Union steward on January 18, 1990 (Jt. Exh. 7; Tr. 19).

4. In November, 1989, Respondent announced a vacancy for a WG-6 Warehouse Worker (Forklift Operator) (Jt. Exh. 1). The position was in the work area to which Mr. Dixon was assigned and after the incumbent of the WG-6 position, Mr. Theodore Jackson, had been removed for medical reasons (Tr. 22), Mr. Dixon was left alone in freezer #1 and coolers 7, 8 and 9 (Tr. 22, 31, 34, 78). Mr. Dixon asserted that he performed the duties of the WG-6 position (Tr. 22) including, on occasion, directing the work of others (Tr. 33); however, Mr. Coakley stated that while Mr. Dixon, ". . . had a freezer area by himself and coolers, had responsibility for those areas, the same as the other Wage Grade 5 does" (Tr. 48) he [Coakley] had ". . . never put him in charge of personnel." (Tr. 48).

Mr. Dixon applied for the announced vacancy and on December 5, 1989, Mr. Coakley prepared the "Supervisory Appraisal of KSAO" on each of the five KSAO's listed in the Vacancy Announcement (Jt. Exhs. 1 and 4). Mr. Coakley was highly commendatory of Mr. Dixon. For example, he stated on KSAO No. 1, as follows:

"Normally freezer #1 & cooler 7, 8 & 9 are controlled by a WG-6 and assisted by a WG-5 (Mr. Dixon). Since the WG-6 position was vacated Mr. Dixon has been controlling [sic] this area of responsibility with little help during Oct & Nov 89. It should be said that a great improvement has been made in the storage placement of the food items,

the cleanliness of the area of responsibility, walk areas are clear, the salvage on hand is always stored properly and listed & the customer shopping [sic] area is checked and kept clean as customers continue to clutter [sic] and scatter [sic] items during the day. Mr. Dixon has shown he is a highly motivated individual and I can leave him feeling confident that the job will be done right."  
(Jt. Exh. 4, p. 6).

5. Mr. Dixon testified that on December 18, 1989, there was an ice storm in the Fayetteville area, indeed, ". . . all of Eastern North Carolina . . ." (Tr. 23) and he had got to work late - about 9 a.m. (Tr. 23, 24). He stated that, ". . . after fifteen minutes of looking for Mr. Coakley, I approached him and I stated my reason for being late and he said okay" (Tr. 24); that he [Dixon] went into the Freezer 1 area and Mr. Coakley came in and said, "Are you sure that is the reason why you was late . . . Everybody else was here on time, why couldn't you be?" Mr. Dixon said he replied, "Mr. Coakley, I told you that the bridge was icy and I just couldn't get to work on time"; that Mr. Coakley "proceeded to get hostile and loud" and he [Dixon] said, "Well, let's go see Ms. Young [Mr. Coakley's supervisor] about it"; that Mr. Coakley said they didn't need to see Ms. Young; but that he, Dixon, said, "Yes, we do. We need to go talk to her about that because it seems to me that you don't believe what I am saying." (Tr. 24). Mr. Dixon then further testified as follows:

"So, we went to Ms. Young and after leaving her office, him and I was coming back to the job. I was riding with him at that time, and he said, 'How do you expect me to give you that WG-6 job and you fighting against me like you are?' And I said, 'What are you talking about?' He said, 'When you did things like that, you are fighting against me.' I said, 'Well, Mr. Coakley, if I don't be considered for that WG-6 job, then I am going to have the Union to look into it,' and so he stated to me, 'If you even mention the Union's name, you won't get the job anyway.'" (Tr. 24-25).

Mr. Coakley testified later at some length but was never asked about the December 18, 1989, incident and did not deny having made the statement attributed to him by Mr. Dixon. Only in a most general way did he deny speaking to Mr. Dixon about his Union activities:

"Q . . .

In December of 1989, did you speak to Mr. Dixon at all about Union activities?

"A. No, sir. One of the things that you are not supposed to do is that. That is one of the things that I know not to do.

. . .

"Q. Have you at any time threatened him with not being considered for future selection because of his Union involvement?

"A. No, sir, the opposite. I think it is an asset to a supervisor to have a person who is in the Union." (Tr. 49).

I credit Mr. Dixon's testimony fully concerning the December 18, 1989, incident for various reasons. First, I found Mr. Dixon's testimony in this regard credible and convincing. Second, the December 18 incident is not denied in any manner, i.e., the ice storm; Mr. Dixon having been late; a meeting with Ms. Young. Third, Mr. Coakley did not deny the statement attributed to him which I find especially significant since the personal confrontation between the two, at a time when Mr. Dixon was not a steward, might well not have been considered by Mr. Coakley as "Union activity." Stated otherwise, avoidance of a specific statement, central to the General Counsel's case, attributed to the witness suggests that the attributed statement was, indeed, made.

6. After the closing date on the announcement, a referral and selection register was sent to Mr. Coakley who had been designated as the selecting official. There were eleven best qualified candidates including Mr. Dixon. (Jt. Exh. 6). Of the eleven best qualified candidates, only the scores of Messrs. Dixon and Carroll V. Crain, the candidate selected, were shown and each had a score of 85 (Jt. Exh. 4, second page; Jt. Exh. 5, second page). Five of the eleven best qualified candidates had the same grade, occupational code and job title, i.e., Warehouse Worker (Forklift Operator) 6907 as follows:

Thomas L. Dixon	Warehouse Worker (FLO), WG6907-05
William L. Farrow	Warehouse Worker (FLO), WG6907-05

Joe N. McLaughlin Warehouse Worker (FLO), WG6907-05  
David Townsend Warehouse Worker (FLO), WG6907-05  
Clayton Wallace, Sr.<sup>3/</sup> Warehouse Worker (FLO), WG6907-05  
(Jt. Exhs. 2, 6).

7. Immediately after receiving the referral list, Mr. Coakley went to the Civilian Personnel Office and reviewed the file of each candidate, taking notes on each file (Tr. 50). He then reviewed each candidate's 201 file and past appraisals (Tr. 50-51). Prior to interviewing the candidates, Mr. Coakley prepared a list of questions which he asked each candidate (Tr. 51). I credit Mr. Coakley's testimony in this regard for the reason that I found his testimony wholly credible. I further find that one question Mr. Coakley asked each candidate was:

"What are some factors or conditions that would cause us to be short in inventory?" (Tr. 54).

I specifically do not credit Mr. Dixon's testimony concerning the questions asked. For example, Mr. Dixon asserted that Mr. Coakley asked,

". . . what would I do if I saw a man stealing?"  
(Tr. 26, 97).

Mr. Coakley specifically denied having asked any applicant anything about the theft of property (Tr. 93-94). I did not find Mr. Dixon's testimony about the questions asked convincing and, as noted, credit Mr. Coakley's testimony concerning the questions asked, specifically, in this regard that he asked what causes losses in inventory (Tr. 54, 94), not what he [Dixon] should do if he saw a man stealing.

8. Mr. Coakley interviewed the eleven applicants on January 23 and 24, 1990 (Tr. 51). Mr. Dixon was interviewed on January 24 (Tr. 25). At the beginning of each interview, each applicant, except Mr. Dixon who declined since he worked there every day (Tr. 52), was given a tour of the cold storage facility in order that each could experience

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<sup>3/</sup> The record refers to a Mr. Wallace, newly arrived as a WG-6, ". . . who has been working in TISA dry storage." (Tr. 65). Clayton Wallace, Sr. was shown on Joint Exhibit 6 as having been at "DEH". Whether the reference in the transcript is to Clayton Wallace, Sr. is not known (see, Tr. 71).

the environment in which they would be expected to work (Tr. 51). After the tour, each applicant was then asked the same questions (Tr. 51).

Mr. Dixon testified that, when he entered Mr. Coakley's office for the interview, ". . . the first thing he says to me is 'Relax, this is not a Union meeting'" (Tr. 25) which Mr. Dixon said, "kind of stunned" him because the interview didn't concern the Union and the Union's name, ". . . shouldn't have ever been mentioned. . . ." (Tr. 25). Mr. Coakley did not deny having made the comment to Mr. Dixon.

Mr. Coakley stated that all of the applicants answered his questions except Mr. Dixon who wanted to argue or debate the questions (Tr. 53, 54), which Mr. Dixon admitted (Tr. 26). Indeed, as noted above, Mr. Dixon did not grasp the meaning of Mr. Coakley's question, "What are some factors or conditions that would cause us to be short in inventory" (Tr. 54) and argued how can you determine if one is stealing? (Tr. 26, 97).

9. Following the interviews, Mr. Coakley on January 26, 1990, selected Mr. Carroll V. Crain (Jt. Exh. 6; Tr. 52-53). All eleven candidates were highly qualified, as Mr. Coakley stated, ". . . all the candidates that came to me were well chosen, all 11 were qualified. . . ." (Tr. 54). Except for Mr. Dixon, each responded to the questions with right answers (Tr. 54).

#### CONCLUSIONS

There is no doubt that if agency management takes action that affects employee terms and conditions of employment because of protected activity there is a violation of §§ 16(a)(1) and (2) of the Statute, or that there was a violation of the essentially identical provisions of Sections 19(a)(1) and (2) of Executive Order 11491, as amended, just as such conduct would violate the essentially similar provisions of Sections 8(A)(1) and (3) of the National Labor Relations Act. Internal Revenue Service, Boston District Office, Boston, Massachusetts and Internal Revenue Service, Andover Service Center, Andover, Massachusetts, 5 FLRA 700 (1981); Department of Health, Education and Welfare, Social Security Administration, Bureau of Hearings and Appeals, Region II, San Juan, Puerto Rico, A/SLMR No. 1127, 8 A/SLMR 1092 (1978); Great Dane Trailers, Inc. v. NLRB, 78 LRRM 2384 (4th Cir. 1971) enf'g 186 NLRB 267, 76 LRRM 1849 (1970), cert. denied, 405 U.S. 1041 (1972).

In United States Customs Service, Region IV, Miami District, Miami, Florida, 36 FLRA 489 (1990), the Authority stated, in part, as follows:

"In Letterkenny Army Depot, 35 FLRA 113 (1990), we addressed the analytical framework to be applied in cases alleging violations of 7116(a)(2) of the Statute. We reaffirmed that the General Counsel bears the burden of establishing by a preponderance of the evidence that an unfair labor practice has been committed. We stated that in all cases of alleged discrimination, the General Counsel must establish that: (1) the employee against whom the alleged discriminatory action was taken was engaged in protected activity; and (2) such activity was a motivating factor in the agency's treatment of the employee in connection with hiring, tenure, promotion, or other conditions of employment. Id. at 118. We also stated that the General Counsel may also seek to establish, as a part of its prima facie case, that a respondent's asserted reasons for raking the allegedly discriminatory action are pretextual, or after presentation of the respondent's evidence of lawful reasons, the General Counsel may seek to establish that those reasons are pretextual. Id. at 122-23.

We noted that when the General Counsel makes the required prima facie showing, a respondent may seek to rebut that showing by establishing, by a preponderance of the evidence, the affirmative defense that: (1) there was a legitimate justification for its actions; and (2) the same action would have been taken in the absence of protected activity. Id. at 123. We pointed out that if the respondent rebuts the General Counsel's prima facie showing by a preponderance of the evidence, thereby establishing that it would have taken the allegedly unlawful action even in the absence of protected activity, the General Counsel has not established a violation of the Statute. Id. at 119." (36 FLRA at 494).

Here, Mr. Dixon engaged in protected activity and inasmuch as the grievances he filed, on his own behalf and on behalf of others, all involved Mr. Coakley there is no question that Mr. Coakley was aware of Mr. Dixon's activity. It would appear that Mr. Coakley bore no animus because of Dixon's grievances against him when he prepared



the Supervisory Appraisals on Mr. Dixon's application for the WG-6 position on December 5, 1989; but thereafter, on December 18, 1989, in connection with the ice storm incident and Mr. Dixon's insistence that they take the dispute to Mr. Coakley's supervisor, Ms. Young, Mr. Coakley gave vent to his pent-up feelings and asked Mr. Dixon, "How do you expect me to give you that WG-6 job and you fighting against me like you are?" and then exclaimed that if Dixon ". . . even mentioned the Union's name, you won't get the job anyway". (Tr. 24). At that time, Mr. Coakley, "had an idea" he might be the selecting official (Tr. 75-76). As noted above, Mr. Coakley did not deny having made the statement attributed to him.

Then, when he interviewed Mr. Dixon on January 24, 1990, he began Dixon's interview by making the statement, "Relax, this is not a Union meeting" (Tr. 25), which greatly disturbed Mr. Dixon and may well have affected his response to Mr. Coakley's subsequent questions. Again, Mr. Coakley did not deny having made the reference to the Union. Thus, on December 18 there was direct evidence of animus toward Mr. Dixon's protected activity and then at Dixon's interview on January 24 a wholly uncalled-for reference to the Union which Mr. Dixon found disquieting as a none too subtle reminder by Mr. Coakley that he hadn't forgotten Dixon's "fighting him."

I do not agree with General Counsel that the selection of Mr. Crain was pretextual. To the contrary, every one of the eleven best qualified candidates was, by definition, "qualified" and Mr. Coakley had expressly found that all the candidates were "well chosen, all 11 were qualified" (Tr. 54). For example, as noted, Mr. Crain had received the same score (85) as Mr. Dixon; Mr. Crain had 36 semester hours and 8 quarter hours college credits (Jt. Exh. 5), whereas, Mr. Dixon had but 12 quarter hours of college credits (Jt. Exh. 4); Mr. Crain had had an eight week formal training course in warehousing operations and procedures while in the Air Force and had then worked for more than three years at a full range of warehouse work, whereas, Mr. Dixon had had no comparable training course and, except for a five month period, his entire employment had been in a cold storage warehouse; four other applicants had the same grade, occupational code and job title as Mr. Dixon; etc.

The fallacy of the selection was not that the selection of Mr. Crain was pretextual, for, as noted, he, as well as every other best qualified candidate, including Mr. Dixon, was fully qualified and any one of the best qualified

candidates could, absent the animus of the selector, properly have been selected. The animus of Mr. Coakley to Dixon's protected activity tainted the selection process. Respondent in such circumstances has not shown, indeed can not show, that the same action would have been taken in the absence of protected activity. Once protected activity is shown to have been a motivating factor in the non-selection of one best qualified applicant, Respondent can not legitimize the selection process by showing that the selectee was also qualified and deemed by the selector to have been most qualified. Stated otherwise, the selector's animus destroys all credibility of his, or her, evaluation. Veterans Administration Hospital, Lexington, Kentucky, 2 FLRA 879 (1980).

While I find that Respondent violated §§ 16(a)(1) and (2) of the Statute and that the selection of Mr. Crain must be rescinded. I do not agree with General Counsel that the job can be awarded to Mr. Dixon or that the record warrants the award of backpay. The record shows that there were eleven best qualified candidates. Mr. Dixon's score was the same as Mr. Crain's (the scores for the other nine candidates were not shown); there were four Warehouse Workers (FLO), WG-6907-05, employees other than Mr. Dixon, also best qualified; Mr. Crain, although working as a sales store checker, was a well qualified warehouseman; and each of the other best qualified candidates was "well chosen." Because the animus of the selector tainted the selection process, we can not know whether, absent the flawed process, Mr. Dixon would have been selected. Therefore, I shall order that the selection for Warehouse Worker (FLO), WG-6907-06-DOL, ISSD, Services Branch, Troop Issue Subsistence Activity (Cold Storage), Announcement No. 59-90, dated 12/6/89, be rerun; that an appropriate selecting official other than Mr. Coakley be designated; and that Mr. Crain be given no credit for experience gained in the WG-6907-06 position. Accordingly, I recommend that the Authority adopt the following:

#### ORDER

Pursuant to § 18(a)(7) of the Statute, 5 U.S.C. § 7118(a)(7), and § 2423.29 of the Regulations, 5 C.F.R. § 2423.29, it is hereby ordered that the Department of the Army, Headquarters, XVIII Airborne Corps and Fort Bragg, Fort Bragg, North Carolina (hereinafter referred to as the "Respondent"), shall:

1. Cease and desist from:

(a) Referring, in the course of any interview for promotion and/or selection for any announced position, to any applicant's or other employee's membership in, or to any activity on behalf of, American Federation of Government Employees, Local 1770, the certified exclusive representative of our employees (hereinafter referred to as "AFGE Local 1770").

(b) Encouraging or discouraging membership in AFGE Local 1770 by discrimination in regard to hiring, tenure, promotion, or other condition of employment.

(c) In any like or related manner interfering with, restraining or coercing employees in the exercise of their rights guaranteed by the Federal Service Labor-Management Relations Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute:

(a) Withdraw, cancel and rescind the selection for, and promotion to, the position of Warehouse Worker (FLO), WG6907-06-DOL, ISSD, Services Branch, Troop Issue Subsistence Activity (Cold Storage), Announcement No. 59-90, dated December 6, 1989, of Mr. Carroll V. Crain.

(b) Rerun the selection for the position of Warehouse Worker (FLO), WG6907-06-DOL, ISSD, Services Branch, Troop Issue Subsistence Activity (Cold Storage), Announcement No. 59-90, dated December 6, 1989, and insure that Mr. Carroll V. Crain is given no credit for experience gained in the WG-6907-06 position.

(c) Designate as the selecting official for the position set forth above a supervisor other than Mr. Walter R. Coakley who: (i) is a higher level supervisor than Mr. Coakley; and (ii) is not in the direct line of supervision of Mr. Coakley.

(d) Post at its facilities at Fort Bragg, North Carolina, copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the Commanding Officer of the XVIII Airborne Corps and shall be posted and maintained for 60 consecutive days thereafter in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to ensure that such notices are not altered, defaced, or covered by any other material.

(e) Pursuant to 5 C.F.R. § 2423.30, notify the Regional Director of the Federal Labor Relations Authority, Atlanta Region, Suite 122, 1371 Peachtree Street, N.E., Atlanta, Georgia 30367, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply herewith.

*William B. Devaney*  
WILLIAM B. DEVANEY  
Administrative Law Judge

Dated: August 21, 1991  
Washington, DC

NOTICE TO ALL EMPLOYEES

AS ORDERED BY THE FEDERAL LABOR RELATIONS AUTHORITY

AND TO EFFECTUATE THE POLICIES OF THE

FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT refer, in the course of any interview for promotion and/or selection for any announced position, to any applicant's or other employee's membership in, or to any activity on behalf of, American Federation of Government Employees, Local 1770, the certified exclusive representative of our employees (hereinafter referred to as "AFGE Local 1770").

WE WILL NOT encourage or discourage membership in AFGE Local 1770 by discrimination in regard to hiring, tenure, promotion, or other condition of employment.

WE WILL in any like or related manner interfere with, restrain or coerce our employees in the exercise of their rights guaranteed by the Federal Service Labor-Management Relations Statute.

WE WILL forthwith withdraw, cancel and rescind the selection of Mr. Carroll V. Crain for the position of Warehouse Worker (FLO), WG6907-06-DOL, ISSD, Service Branch, Troop Issue Subsistence Activity (Cold Storage), Announcement No. 59-90, dated December 6, 1989.

WE WILL rerun the selection for the position of Warehouse Worker (FLO), WG6907-06-DOL, ISSD, Services Branch, Troop Issue Subsistence Activity (Cold Storage), Announcement No. 59-90, dated December 6, 1989, and WE WILL insure that Mr. Carroll V. Crain is given no credit for experience gained in the WG-6907-06 position.

WE WILL designate as the selecting official for the position set forth above a supervisor other than Mr. Walter R. Coakley who: (i) is a higher level supervisor than Mr. Coakley; and (ii) is not in the direct line of supervision of Mr. Coakley.

\_\_\_\_\_  
(Agency)

Dated: \_\_\_\_\_

By: \_\_\_\_\_

(Signature)

(Title)

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Regional Director of the Federal Labor Relations Authority, Atlanta Region, whose address is: Suite 122, 1371 Peachtree Street, N.E., Atlanta, GA 30367, and whose telephone number is: (404) 347-2324.