



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

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FEDERAL CORRECTIONAL INSTITUTION
MIAMI, FLORIDA

RESPONDENT

Case No. AT-CA-12-0187

AND

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3690

CHARGING PARTY

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been heard by the undersigned Administrative Law Judge pursuant to the Statute and the Rules and Regulations of the Authority, the undersigned herein serves her 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. §§ 2423.40-41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Any such exceptions must be filed on or before **AUGUST 4, 2014**, electronically at www.flra.gov, by selecting **eFile** under the **Filing a Case** tab and follow the instructions or by U.S. Mail to:

Office of Case Intake & Publication
Federal Labor Relations Authority
1400 K Street, NW, 2nd Floor
Washington, DC 20424-0001

A handwritten signature in black ink that reads "Susan E. Jelen".

SUSAN E. JELEN
Administrative Law Judge

Dated: July 1, 2014
Washington, D.C.



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Case No. AT-CA-12-0187

Patricia J. Kush
For the General Counsel

Carolyn Warner
For the Respondent

Eugene Harris
For the Union.

Before: SUSAN E. JELEN
Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On January 27, 2012, the American Federation of Government Employees, Local 3690 (Union/Local 3690) filed an unfair labor practice charge (ULP) against the Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Miami, Florida (Respondent/FBP). On January 18, 2013, the Atlanta Regional Director issued a Complaint and Notice of Hearing, alleging that the Respondent violated § 7116(a)(1) of the Federal Service Labor-Management Relations Statute (Statute) by making certain statements to the Local 3690 president. On February 26, 2013, the Respondent filed its Answer to the complaint.

A hearing was held before me on March 27, 2013, in Miami, Florida; the Respondent made a closing argument at the hearing and the General Counsel filed a post-hearing brief in the matter.

On June 27, 2014, Counsel for the General Counsel filed an unopposed Motion For Permission to Withdraw Complaint in Order to Approve Charging Party's Request to Withdraw, stating that on June 26, 2014, the Charging Party requested to withdraw the charge underlying the complaint.

Pursuant to § 2423.31(e)(1) of the Rules and Regulations of the Federal Labor Relations Authority, I conclude that the withdrawal of the complaint is appropriate in light of the Charging Party's request and that remanding the case to the Regional Director for further action is appropriate.

ORDER

The Motion For Permission to Withdraw 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., July 1, 2014



SUSAN E. JELEN
Administrative Law Judge