



**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY  
WASHINGTON REGION**

DEPARTMENT OF THE ARMY  
U.S. MEDICAL RESEARCH INSTITUTE OF  
CHEMICAL DEFENSE  
ABERDEEN PROVING GROUND, MARYLAND

RESPONDENT

-AND-

NATIONAL FEDERATION OF FEDERAL EMPLOYEES  
LOCAL 578

CHARGING PARTY

-AND-

NATIONAL FEDERATION OF FEDERAL EMPLOYEES

CHARGING PARTY

Case Nos.

WA-CA-80457  
WA-CA-86051

**CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

1. (a) This consolidated unfair labor practice complaint and notice of hearing is issued under 5 U.S.C. §§ 7101-7135 and 5 C.F.R. Chapter XIV.  
  
(b) These cases are consolidated under 5 C.F.R. § 2429.2 because it is necessary to effectuate the purposes of 5 U.S.C. §§ 7101-7135 and to avoid unnecessary costs and delay.
2. The National Federation of Federal Employees (NFFE) is a labor organization under 5 U.S.C. § 7103(a)(4).
3. The Department of the Army, U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, Maryland (Respondent) is an agency under 5 U.S.C. § 7103(a)(3).
4. (a) The original charge in Case WA-CA-90457 was filed by NFFE, Local 578 with the Washington Regional Director on May 15, 1998.  
  
(b) The first amended charge in Case WA-CA-80457 was filed by NFFE, Local 578 with the Washington Regional Director on April 29, 1998.
5. A copy of the original and first amended charges in Case WA-CA-80547 was served on the Respondent.
6. The charge in Case WA-CA-86051 was filed by NFFE with the Washington Regional Director on October 18, 1998.
7. A copy of the charge in WA-CA-86051 was served on the Respondent.

8. Local 578 is the exclusive representative of separate units of professional and non-professional employees appropriate for collective bargaining at Respondent.
9. During the time period covered by this complaint, these persons occupied the position set opposite their names:  

Major Thomas R. Body - Executive Officer

Stephen J. Penny, LTC - Branch Chief, Admin.
10. During the time period covered by this complaint, the persons named in para. 9 were supervisors or management officials under 5 U.S.C. § 7103(a)(10) and (11).
11. During the time period covered by this complaint, the persons named in para. 9 were acting on behalf of the Respondent.
12. Dinah Horn was, at all times relevant to this complaint, an employee at Respondent and President of Local 578 for purposes of representing the bargaining unit of professional employees, described in para. 8.
13. On or about April 20, 1998, and continuing to September 1998, the Respondent, by Major Body, prohibited Horn from using any official time to perform representation functions on behalf of Local 578, the exclusive representative of a unit of professional employees described in para. 8.
14. On or about September 11, 1998, the Respondent, by Lieutenant Colonel Penny, took steps to relocate Horn to a small office with no telephone.
15. By the conduct described in paras. 13 and 14, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1).

**A HEARING ON THIS COMPLAINT WILL BE HELD** before an Administrative Law Judge of the Federal Labor Relations Authority on August 18, 1999 at 9:00 a.m., in the 3rd Floor Agenda Room, Federal Labor Relations Authority, 607 14th Street, NW., Washington, D.C. 20424. The Respondent has the right to appear and present testimony and evidence at the hearing.

To answer this complaint, the Respondent must file and serve, in accordance with the requirements set forth at 5 C.F.R. Part 2429, an answer with the Office of Administrative Law Judges. See 5 C.F.R. § 2423.20(b). Any answer must admit, deny, explain, or deny knowledge as to each of the allegations in each para. of the complaint. If the Respondent does not file an answer, the Authority will find that the Respondent has admitted each allegation. Id.

An answer filed and served in person with the Office of Administrative Law Judges must be received by the Office of Administrative Law Judges at the Federal Labor Relations Authority, Office of Administrative Law Judges, 607 14th Street NW., Room 440, Washington, DC 20424-0001 no later than June 1, 1999. An answer filed by mail must be mailed and postmarked by June 1, 1999. If an answer is received without a legible postmark, the Authority will presume that it was mailed 5 days prior to receipt. See 5 C.F.R. § 2429.21(b).

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Regional Director  
WASHINGTON REGIONAL OFFICE  
800 K Street, NW., Suite 900  
Washington, DC 20001-8000

Dated: May 4, 1999