

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

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS LOW SECURITY FEDERAL CORRECTIONAL INSTITUTION BEAUMONT, TEXAS  Respondent	
and  AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 1010  Charging Party	Case No. DA-CA-03-0029

**ERRATA**

Please substitute the attached pages to the captioned case dated **SEPTEMBER 17, 2003**.

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PAUL B. LANG  
Administrative Law Judge

Dated: October 8, 2003  
Washington, DC

is the reasonably foreseeable effect of the statements.<sup>1</sup> Since Tombone's statements were unambiguously related to Guzman's protected activity, it makes no difference that they occurred approximately six months after the protected activity. The amount of time between protected activity and challenged agency action is a factor which is mainly relevant to charges arising out of alleged discrimination or retaliation, *U.S. Department of Interior, Office of the Secretary, U.S. Govt. Comptroller for the Virgin Islands*, 11 FLRA 521, 532 (1983).

For the reasons set forth above I conclude that the Respondent committed unfair labor practices in violation of § 7116(a)(1) of the Statute by virtue of Tombone's coercive and intimidating statements to Guzman on April 9 and 12, 2002. Accordingly, I recommend that the Authority adopt the following Order:

#### **ORDER**

Pursuant to § 2423.41(c) of the Rules and Regulations of the Authority and § 7118 of the Federal Service Labor-Management Relations Statute it is hereby ordered that the Department of Justice, Federal Bureau of Prisons, Low Security Federal Correctional Institution, Beaumont, Texas shall:

1. Cease and desist from:

(a) Making statements to its employees which could reasonably be expected to interfere with, restrain or coerce such employees in the exercise of their rights to assist or to act on behalf of any labor organization, including the American Federation of Government Employees, Local 1010, AFL-CIO, or the members of any collective bargaining unit represented by such labor organization.

(b) Interfering with, restraining or coercing its employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

2. Take the following affirmative action:

(a) Post at all of its facilities where employees represented by the American Federation of Government Employees, Local 1010 are located, copies of the attached

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In view of the withdrawal of the allegations of violations of § 7116(a)(2) and (4) it is not necessary to address the Respondent's contention that its refusal to upgrade Guzman's evaluation was a valid exercise of management rights.

Notice on forms to be furnished by the Authority. Upon receipt of such forms they shall be signed by the Warden 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.

(b) Pursuant to § 2423.41(e) of the Rules and Regulations of the Authority, notify the Regional Director of the Dallas Region, Federal Labor Relations Authority, in writing, within 30 days of the date of this Order, as to what steps have been taken to comply.

Issued, Washington, DC, September 17, 2003

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PAUL B. LANG  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of this **ERRATA**, issued by PAUL B. LANG, Administrative Law Judge, in Case No. DA-CA-03-0029, were sent to the following parties:

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Dated: October 8, 2003  
Washington, DC