



FEDERAL LABOR RELATIONS AUTHORITY

Office of Administrative Law Judges
WASHINGTON, D.C.

OALJ 12-13

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

RESPONDENT

AND

PROFESSIONAL AVIATION SAFETY
SPECIALISTS, AFL-CIO

CHARGING PARTY

Case No. WA-CA-10-0276

John F. Gallagher
Alicia E. Weber
For the General Counsel

Patrick D. McGlone
Eric Reid
For the Respondent

Dennie Rosen
For the Charging Party

Before: RICHARD A. PEARSON
Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On February 23, 2010, the Professional Aviation Safety Specialists, AFL-CIO (the Charging Party), filed an unfair labor practice charge against the U.S. Department of Transportation, Federal Aviation Administration, Washington, D.C. (the Respondent). On November 30, 2010, the Regional Director of the Chicago Region of the Federal Labor Relations Authority (the Authority) issued a Complaint and Notice of Hearing alleging that the Respondent violated section 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute (the Statute) by refusing to furnish the Charging Party with information related to the Respondent's January 2010 adjustment of the pay bands under the parties' negotiated pay plan. On December 14, 2010, the Respondent filed an Answer in which it denied violating the Statute as alleged.

A hearing in the matter was held on February 16, 2011, and the parties subsequently filed post-hearing briefs.

On April 16, 2012, Counsel for the General Counsel filed a Motion to Withdraw the Complaint and Remand Case to the Region. In the motion, the General Counsel indicated that the parties have reached a settlement of their underlying dispute, pursuant to which the Respondent has provided the Charging Party with the information at issue. Accordingly, the Charging Party has requested to withdraw its charge, and the General Counsel and the Respondent concur in the withdrawal. Therefore, pursuant to section 2423.31(e)(1) of the Authority's Regulations, the General Counsel now seeks permission to withdraw the complaint. I conclude that settlement of this case on terms and conditions amicably determined by the parties effectuates the purposes and policies of the Statute, and that remanding the case to the Regional Director for such action is appropriate.

ORDER

Pursuant to section 2423.31(e)(1) of the Authority's Regulations, 5 C.F.R. § 2423.31(e)(1), permission to withdraw the 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., April 23, 2012.

RICHARD A. PEARSON
Administrative Law Judge