

FEDERAL LABOR RELATIONS AUTHORITY

Office of Administrative Law Judges

WASHINGTON, D.C.

U.S. SECURITIES AND
EXCHANGE COMMISSION PHILADELPHIA DISTRICT
OFFICE PHILADELPHIA,
PENNSYLVANIA Respondent and NATIONAL TREASURY
EMPLOYEES UNION Charging Party

Case Nos. BN-CA-01-0453
BN-CA-01-0488

Kelly J. Andrews, Esquire Samuel M. Forstein, Esquire Counsel for the Respondent Michael Piacsek, Esquire
Counsel for the Charging Party
Alfred S. Gordon, Esquire Gary J. Lieberman, Esquire Counsel for the General Counsel
Before: RICHARD A. PEARSON Administrative Law Judge

DECISION AND ORDER REMANDING CASE

On September 6, 2001, the Acting Regional Director of the Boston Regional Office of the Federal Labor Relations Authority issued a Consolidated Complaint and Notice of Hearing alleging that the U.S. Securities and Exchange Commission, Philadelphia District Office, Philadelphia, Pennsylvania (the Respondent) violated section 7116(a)(1), (2)

and (5) of the Federal Service Labor-Management Relations Statute (the Statute). On September 12, 2001, the Acting Regional Director issued an Amended Consolidated Complaint and Notice of Hearing, alleging similar violations of the Statute by the Respondent. The Respondent subsequently filed an answer denying the allegations of the consolidated complaints and asserting various affirmative defenses.

The hearing in this case opened on December 6, 2001, in Philadelphia, Pennsylvania, and testimony was heard on December 6 and 7, 2001. The hearing was then adjourned indefinitely, until a date for the resumption of the hearing could be scheduled; subsequently, I issued an order scheduling the hearing to resume on January 29, 2002.

In the interim, the parties resumed efforts to settle the cases, and ultimately the Charging Party and the Respondent were successful in negotiating a bilateral settlement agreement. On January 10, 2002, Counsel for the General Counsel filed a Motion for Permission to Withdraw Complaint and for Remand, based on the parties' settlement of the underlying cases. It appears that settlement of these cases would effectuate the purposes and policies of the Statute, and that remanding the cases to the Acting Regional Director is appropriate.

ORDER

Pursuant to 5 C.F.R. 2423.31(e)(1) of the Authority's Rules and Regulations, permission to withdraw the Complaint is granted. The case is hereby Remanded to the Acting Regional Director for such further action as he may deem appropriate to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute.

Issued, Washington, DC, January 14, 2002.

RICHARD A. PEARSON

Administrative Law Judge