

UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
Office of Administrative Law Judges  
WASHINGTON, D.C. 20424-000

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C.  Respondent	
and  AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3475  Charging Party	Case No. DA-CA-00106

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been heard before the undersigned Administrative Law Judge pursuant to the Statute and the Rules and Regulations of the Authority, the undersigned herein serves his 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. §§ 2423.40-2423.41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Any such exceptions must be filed on or before **NOVEMBER 22, 2000**, and addressed to:

Federal Labor Relations Authority  
Office of Case Control  
607 14th Street, NW, 4th Floor  
Washington, DC 20424-0001

WILLIAM B. DEVANEY  
Administrative Law Judge

Dated: October 23, 2000  
Washington, DC

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

MEMORANDUM

DATE: October 23, 2000

TO: The Federal Labor Relations Authority

FROM: WILLIAM B. DEVANEY  
Administrative Law Judge

SUBJECT: UNITED STATES DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C.

Respondent

and

Case No. DA-CA-00106

AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, LOCAL 3475

Charging Party

Pursuant to section 2423.34(b) of the Rules and Regulations, 5 C.F.R. § 2423.34(b), I am hereby transferring the above case to the Authority. Enclosed are copies of my Decision, the service sheet, and the transmittal form sent to the parties. Also enclosed are the transcript, exhibits and any briefs filed by the parties.

Enclosures

**FEDERAL LABOR RELATIONS AUTHORITY**  
Office of Administrative Law Judges  
WASHINGTON, D.C.

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UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C.  Respondent	
and  AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 3475  Charging Party	Case No. DA-CA-00106

Mary Larson, Esquire  
Shannon W. Rivers  
For the General Counsel

Mary C. Merchant  
For the Respondent

Dorothy Pleasant  
For the Charging Party

Before: WILLIAM B. DEVANEY  
Administrative Law Judge

**DECISION**

Statement of the Case

This case was set for hearing on October 13, 2000, in New Orleans, Louisiana, seriatim following Case No. DA-CA-90742. Counsel for Respondent, President of the Charging Party, witnesses, Court Reporter and the undersigned were present prior to the scheduled time of the hearing. At about 0900, the Regional Attorney, Ms. Charlotte A. Dye, called the undersigned to report that one of the attorneys for General Counsel, Ms. Larson, had become ill and the other attorney for General Counsel, Ms. Rivers, had taken her to a hospital. The undersigned told the Regional Attorney to send Ms. Rivers to try the cases as soon as possible. The Regional Attorney moved for a continuance which was denied. The undersigned emphasized to the Regional Attorney that the hospital staff would take care of Ms. Larson; that Ms. Rivers could do nothing for her; and that it would be an unwarranted imposition on

Respondent, Charging Party, the witnesses, the Court Reporter and the undersigned not to utilize the services of the other attorney, Ms. Rivers, who was present in New Orleans for the express purpose of trying these cases. It was agreed that the opening of the hearing would be delayed until noon. At about 11:30 a.m. the Regional Attorney called and steadfastly refused to send Ms. Rivers to the hearing and conceded that I would have to dismiss this case for want of prosecution. I went on the record, recited the refusal of the Regional Attorney to use an available attorney to try the case, offered Charging Party the right to proceed without the General Counsel, which Ms. Pleasant, President of Local 3475, declined and, because General Counsel refused to prosecute, dismissed the complaint.

WILLIAM B. DEVANEY  
Administrative Law Judge

Issued: October 23, 2000  
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that copies of this DECISION issued by WILLIAM B. DEVANEY, Administrative Law Judge, in Case No. DA-CA-00106, were sent to the following parties in the manner indicated:

**CERTIFIED MAIL & RETURN RECEIPT  
NUMBER**

**CERTIFIED**

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Dorothy T. Pleasant, President  
AFGE, Local 3475  
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New Orleans, LA 70156-6445

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Dated: October 23, 2000  
Washington, DC