

**CASE DIGEST:** *Dep't of the Treasury, IRS, Office of the Chief Counsel,*  
WA-CA-17-0280, 71 FLRA 281 (2019) (Chairman Kiko dissenting)

An FLRA Administrative Law Judge (the Judge) found that the Agency violated § 7116(a)(1), (5), and (8) of the Federal Service Labor Management Relations Statute (the Statute) by failing to respond to the information request under § 7114(b)(4) within a reasonable amount of time, here, seven weeks. In its exceptions, the Agency argued that the complaint did not allege that it untimely responded to the information request, only that it had not “acknowledged” the request. The Authority found that the Agency was afforded adequate notice by the General Counsel’s complaint, that the Judge did not err, and that the surrounding circumstances demonstrated that the Agency violated the Statute by failing to respond to the information request within a reasonable time. Accordingly, the Authority denied the Agency’s exceptions.

Chairman Kiko dissented. She disagreed with the majority’s decision and would have set aside the Judge’s recommended decision because the Agency timely furnished the requested information under the circumstances.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.