

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

DEPARTMENT OF VETERANS AFFAIRS NORTH FLORIDA/SOUTH GEORGIA VETERANS HEALTH CARE SYSTEM GAINESVILLE AND LAKE CITY, FLORIDA Respondents and FREDRICK L. BRITTAIN	Case Nos. AT-CA-90535 AT-CA-00167
And AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 1976 Charging Parties	

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been remanded to 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 **OCTOBER 30, 2000**, and addressed to:

Federal Labor Relations Authority
Office of Case Control
607 14th Street, NW., Suite 415
Washington, DC 20424-0001

GARVIN LEE OLIVER
Administrative Law Judge

Dated: September 27, 2000
Washington, DC

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

MEMORANDUM
2000

DATE: September 27,

TO: The Federal Labor Relations Authority

FROM: GARVIN LEE OLIVER
ADMINISTRATIVE LAW JUDGE

SUBJECT: DEPARTMENT OF VETERANS AFFAIRS
NORTH FLORIDA/SOUTH GEORGIA
VETERANS HEALTH CARE SYSTEM
GAINESVILLE AND LAKE CITY, FLORIDA

Respondents

and
CA-90535

Case Nos. AT-

CA-00167

AT-

FREDRICK L. BRITTAIN

And

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
LOCAL 1976

Charging Parties

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 on Remand, the service sheet, and the transmittal form sent to the parties. Also enclosed is the official record sent to this Office on September 23, 2000.

Enclosures

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

DEPARTMENT OF VETERANS AFFAIRS NORTH FLORIDA/SOUTH GEORGIA VETERANS HEALTH CARE SYSTEM GAINESVILLE AND LAKE CITY, FLORIDA Respondents	
and FREDRICK L. BRITTAIN And AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 1976 Charging Parties	Case Nos. AT-CA-90535 AT-CA-00167

Kathleen C. Freeble
Counsel for the Respondent

Ruth Pippin Dow
Counsel for the General Counsel, FLRA

Before: GARVIN LEE OLIVER
Administrative Law Judge

DECISION AND ORDER ON REMAND

On July 31, 2000, I issued a decision finding that the Respondent violated section 7116(a)(1) and (2) of the Federal Service Labor-Management Relations Statute (the Statute), by revoking Fredrick Brittain's arrest authority, confiscating his police badge and weapons and identification cards, detailing him outside the police department, and proposing his removal. Remedies were proposed for the violations including restoration to duty for Brittain, back pay, expungement of adverse personnel records, and a posting at both the Respondent's Gainesville and Lake City facilities. On August 29, 2000, the Respondent filed exceptions to my Decision with the Authority.

On September 7, 2000, the Respondent withdrew its exceptions "to effectuate a settlement agreement . . . between the parties in this cause[.]" On September 22, 2000, the Authority remanded this case to me for consideration of the Counsel for the General Counsel's Motion to Remand the case to the Atlanta Regional Office for final disposition.

Counsel for the General Counsel represents that the Respondent and the Charging Party reached a private settlement agreement with regard to, *inter alia*, these cases on September 6, 2000. As a part of the settlement, Respondent withdrew its exceptions, and the Union has agreed to withdraw the unfair labor practice charges underlying the complaints in Case Nos. AT-CA-90535 and AT-CA-00167. Counsel for the General Counsel requests that the cases be remanded to the Atlanta Regional Office for final disposition, as further set out in the settlement agreement executed by the parties on September 6, 2000.

ORDER

Pursuant to 5 C.F.R. § 2423.31(e)(1), the General Counsel's Motion is Granted, and this case is hereby remanded to the Acting Regional Director, Atlanta Regional Office, for final disposition or such further action as she may deem appropriate consistent with the settlement agreement of the parties.

GARVIN LEE OLIVER
Administrative Law Judge

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Dated: September 27, 2000
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that copies of this **DECISION REMANDING CASE**, issued by GARVIN LEE OLIVER, Administrative Law Judge, in Case Nos. AT-CA-90535 & AT-CA-00167, were sent to the following parties:

CERTIFIED MAIL & RETURN RECEIPT

CERTIFIED NOS:

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REGULAR MAIL:

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President
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Washington, DC 20001

CATHERINE L. TURNER, LEGAL TECHNICIAN

DATED: SEPTEMBER 27, 2000
WASHINGTON, DC