FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424

OALJ 19-01

SOCIAL SECURITY ADMINISTRATION OFFICE OF DISABILITY ADJUDICATION AND REVIEW SACRAMENTO, CALIFORNIA RESPONDENT AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, ASSOCIATION OF ADMINISTRATIVE LAW JUDGES CHARGING PARTY	Case No. SF-CA-16-0226-REM

Vanessa G. Lim
For the General Counsel

Terri-Ann Ruffin
For the Respondent

Mary M. French
For the Charging Party

Before: CHARLES R. CENTER
Administrative Law Judge

DECISION AND ORDER REMANDING OF THE CASE

On January 26, 2016, the International Federation of Professional and Technical Engineers, Association of Administrative Law Judges (Charging Party/Union) filed an unfair labor practice (ULP) charge against the Social Security Administration, Office of Disability Adjudication and Review, Sacramento, California (Agency/Respondent). After investigating the charge, the acting San Francisco Regional Director issued a Complaint and Notice of Hearing on July 20, 2016, alleging that the Respondent violated § 7116(a)(1) and (5) of the Statute by changing bargaining unit employees' conditions of employment without first bargaining with the Union over the impact and implementation of the change.

A hearing upon the matter was conducted on October 4, 2016, in Sacramento, California, and a recommended decision was issued on May 22, 2017. The Respondent filed exceptions to that recommended decision, and on August 17, 2018, the Authority remanded the case to the ALJ for consideration of subsequently established precedent set forth in an Authority's decision issued on April 30, 2018. On December 20, 2018, the Authority's Office of Case Intake and Publication transmitted the case file to the Office of Administrative Law Judges, and on December 22, 2018, operations within the Federal Labor Relations Authority (FLRA) ceased due to the shutdown imposed upon much of the federal government.

The FLRA remain closed until January 28, 2019, whereupon it was reopened pursuant to temporary continuing resolutions that persisted until February 15, 2019. Once operations were assured and funding for travel was established for the remaining fiscal year, an Order was issued on February 22, 2019, which, among other things, requested that the parties determine if the matter in dispute was now moot. On March 20, 2019, a Joint Motion Requesting Remand to the Regional Director was filed by the parties. That joint motion indicates that the matter is no longer live and requests a remand to the Regional Director so the Charging Party can withdraw the charge. Given the parties mutual agreement that the matter is no longer live, withdrawal of the charge is proper. As further proceedings would not effectuate the purposes and policies of the Statute, I find that remanding the case to the Regional Director to allow the Charging Party to withdraw the charge is appropriate.

ORDER

The parties' Joint Motion to Remand Case to the Regional Director is **GRANTED**. The case is hereby remanded to the San Francisco Regional Director for further action as deemed appropriate to effectuate the purposes and policies of the Statute.

Issued, Washington, D.C., March 25, 2019

CHARLES R. CENTER
Administrative Law Judge