

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

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

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 **FEBRUARY 13, 2002**, and addressed to:

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

RICHARD A. PEARSON  
Administrative Law Judge

Dated: January 14, 2002  
Washington, DC

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

MEMORANDUM

DATE: January 14, 2002

TO: The Federal Labor Relations Authority

FROM: RICHARD A. PEARSON  
Administrative Law Judge

SUBJECT: U.S. SECURITIES AND EXCHANGE COMMISSION  
PHILADELPHIA DISTRICT OFFICE  
PHILADELPHIA, PENNSYLVANIA

Respondent

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

NATIONAL TREASURY EMPLOYEES UNION

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      OALJ 02-14  
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.

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RICHARD A. PEARSON  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the **DECISION** issued by RICHARD A. PEARSON, Administrative Law Judge, in Case Nos. BN-CA-01-0453 & BN-CA-01-0488, were sent to the following parties:

**CERTIFIED MAIL** \_\_\_\_\_

**CERTIFIED NUMBERS:**

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\_\_\_\_\_  
CATHERINE L. TURNER, LEGAL TECHNICIAN

DATED: JANUARY 14, 2002  
WASHINGTON, DC