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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:)	
Sylvia Hall,)	
)	
Complainant,)	
)	
v.)	PERB Case No. 94-U-06
)	Opinion No. 420
District of Columbia)	
Board of Parole,)	
)	
Respondent.)	

DECISION AND ORDER

The history and issues of this case are set out by the Hearing Examiner in her Report and Recommendation.^{1/} The Hearing Examiner found that Complainant Sylvia Hall, a parole officer for the District of Columbia Board of Parole (BP), failed to establish that the Respondent committed unfair labor practices in violation of the Comprehensive Merit Personnel Act (CMPA), D.C. Code § 1-618.4(a) (1), (2) and (3). No exceptions were filed to the Hearing Examiner's Report.

Pursuant to D.C. Code Sec. 1-605.2(3) and Board Rule 520.14, the Board has reviewed the finding and conclusions of the Hearing Examiner and find them to be reasonable, persuasive and supported by the record. We therefore adopt the recommendations of the Hearing Examiner, finding that Complainant has failed to meet her burden of proof or otherwise establish, within the scope of our jurisdiction, that BP has committed unfair labor practices as

^{1/} The Hearing Examiner's Report and Recommendation is attached as an appendix to this Opinion.

Decision and Order
PERB Case No. 94-U-06
Page 2

prescribed under the CMPA, for the reasons stated in her Report.^{2/}
Accordingly, we dismiss the Complaint.

ORDER

IT IS HEREBY ORDERED THAT:

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

May 19, 1995

^{2/} Complainant was the president of the American Federation of Government Employees, Local 727, AFL-CIO during all times material to the Complaint allegations. Due to a work-related injury, Complainant had been in a non-duty status since May 1992. In the main, Complainant asserted that BP's refusal to return her to work on a part time indefinite basis was motivated by "a desire to prevent her from acting as Local 727 President" and consequently violated D.C. Code § 1-618.4(a)(1), (2) and (3). (R&R at 7.) The Hearing Examiner found that the evidence did not establish Complainant's contention that she was treated differently than a non-bargaining unit co-worker who returned to work on a full time basis or that BP's actions were motivated by its desire to support Complainant's opponents for control of Local 727. (R&R at 8.) The Hearing Examiner found that BP had demonstrated that it had a legitimate reason for not allowing the Complainant to return to her previous position on a part time indefinite basis at that time. Finally, contrary to Complainant's allegations, the Hearing Examiner found that while there was evidence of growing opposition by bargaining unit employees to Complainant's leadership, there was no proof that BP management had aligned themselves with these employees against Complainant or made any statements to employees undermining Complainant's leadership. (R&R at 9.)