

Decision and Order
PERB Case No. 98-U-01
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DCHA as failing to state a claim under the Comprehensive Merit Personnel Act (CMPA). We also concluded that the occurrence of the alleged violations by AFGE presented an issue of timeliness that was a question of fact. We, therefore, referred that portion of the Complaint to a hearing examiner.

The matter was scheduled for a hearing on March 2, 1999. On the day of the hearing, the Hearing Examiner mediated a settlement (attached) between the parties. Essentially, the Complainant agreed to withdraw the Complaint with prejudice and AFGE agreed to continue its efforts to secure implementation of the arbitration award.

The terms of the settlement were set forth by the Hearing Examiner in his "Recommendation for Approval of Settlement Agreement and Dismissal of Complaint with Prejudice" and forwarded to us. The Board hereby adopts the Hearing Examiner's recommendation to approve the settlement agreement and dismiss the remaining Complaint allegations.

ORDER

IT IS HEREBY ORDERED THAT:

In view of the Settlement Agreement reached between the Complainant Lloyd Forrester and the American Federation of Government Employees, Local 2725, the remainder of the Complaint in PERB Case No. 98-U-01 is dismissed.

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

June 9, 1999

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 98-U-01 was sent via mail (U.S. Mail) to the following parties on the 9th day of June, 1999

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PERB Case No. 98-U-01

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Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any formal errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the matter of :

Lloyd Forrester,
Complainant,

PERB Case No. 98-U-01

v.

American Federation of Government
Employees, Local 2725,
Respondent.

Before : Irwin Kaplan, Esq., Hearing Examiner

APPEARANCES:

For the Complainant: Keith Grimes¹

For the Respondent: Melinda K. Holmes, Esq.
(O'Donnell, Schwartz, & Anderson, P.C.)

RECOMMENDATION FOR APPROVAL OF SETTLEMENT
AND DISMISSAL OF COMPLAINT WITH PREJUDICE

The hearing in the above-cited case opened on March 2, 1999, at the offices of the District of Columbia Public Employee Relations Board ("Board" or "PERB"), in Washington, D.C. Immediately before the hearing opened, the parties reached an adjustment or informal settlement of the underlying allegations whereby, inter alia, the Complainant agreed to withdraw the matter and to have the Complaint dismissed, with prejudice. The Respondent, for its part, agreed to continue its efforts to secure implementation of an Arbitrator's award in FMCS Case No. 96-26166 in favor of the Complainant ("herein also "Mr. Forrester"). It was the alleged failure by the Respondent to seek such compliance from the D.C. Housing Authority (herein "DCHA") that formed the basis for the instant Complaint. The parties in requesting that the instant case be disposed in the manner noted above, noted that the Respondent has recently filed an unfair labor

¹ Mr. Grimes, made an appearance for the first time on behalf of the Complainant, Mr. Lloyd Forrester, shortly before the instant hearing opened and requested time to explore a resolution of the instant case without litigating the allegations. Mr. Forrester did not appear and no explanation was given.

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