

*Decision 1158
2008*

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between

██████████, Grievant

and

The Agency for International Development

Record of Proceedings
No. G-91-019-AID-02

Date: September 9, 1991

DISCOVERY ORDER

EXCISED

For the Foreign Service Grievance Board:

Presiding Member

John J. McCarthy

Board Members:

John H. Rouse
Geraldine Sheehan

Special Assistant
to the Board:

Michael J. Gould

Representative for the Grievant:

Self

Representative for the Agency for International Development:

William D. Jones
Chief, Labor and Employee
Relations Division

Exclusive Representative:

American Foreign Service Association

DISCOVERY ORDER

The Board has considered grievant's motion of August 15, 1991 to compel the agency to answer two interrogatories, and the agency's reasons for declining to answer. We direct the Agency for International Development to answer the interrogatory marked (a) iii. We deny the motion as to interrogatory (b) on the ground that the information requested is a privileged communication of legal advice from attorney to client and is therefore exempt from orders compelling disclosure.

The information sought in (a) iii requests an answer based apparently on a hypothesis that grievant believes to be relevant to the argument he makes concerning the regulations and policies in question. While we have not closely analyzed the possible uses of the information grievant requests, we cannot say at this stage that the answer given in an analogous situation is wholly irrelevant to the issues presented in the grievance.

We direct that the agency provide the requested information to the grievant by September 24, 1991. The grievant shall make his final submission no later than October 15, 1991.

For the Foreign Service Grievance Board.



John J. McCarthy
Presiding Member



John H. Rouse
Member



Geraldine Sheehan
Member