

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between

██████████,  
Grievant

and

The Department of State

Record of Proceedings  
No. G-91-087-STATE-74

Date: July 20, 1993

DISCOVERY

EXCISED

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For the Foreign Service Grievance Board:

Presiding Member:

Leroy S. Merrifield

Board Members:

James S. Landberg  
G. Richard Monsen

Special Assistant  
to the Board:

Karl H. Sprick

Representative for the Grievant:

Self

Representative for the Department:

Joanne M. Lishman  
Director, Grievance Staff

Exclusive Representative:

American Foreign Service Association

## ORDER

The Board issued a decision on June 7, 1993 ruling on grievant's motion to compel the agency to respond to several of his requests for discovery. In the decision, the Board determined that the agency should provide to the Board for its review, two classified reports of an Accountability Review Board (ARB) on the bombing of the Marine residence in [REDACTED] for a decision on whether they contain information relevant and material to the instant grievance. Grievant argued that he had significant knowledge about the bombing incident, but was not interviewed by the ARB. Although he did not fully explain the possible relevance of the two reports, the Board found that in view of the criticisms of grievant's behavior in the aftermath of the bombing incident, it would be appropriate for the Board to review the two reports for possible relevance.

The Board has reviewed the two reports, which are almost identical in basic content, and finds nothing in them which is relevant to this grievance. The reports describe the bombing incident only in the most general terms; i.e., that there was a terrorist attack in which a member of the [REDACTED] National Police guarding the building was killed, and that the attackers were able to place a bomb which severely damaged the residence. There are no details on the attack, nor any mention whatsoever of the immediate aftermath of the incident, or of Embassy measures and actions taken after it occurred. Grievant is not mentioned, nor are any individuals who were on the scene at the time or afterward named. The report is largely devoted to a discussion of measures recommended to protect against future terrorist attacks against U.S. facilities and personnel in [REDACTED].

Since there is nothing in the two reports which refers to grievant or which could have a bearing on the criticisms of his behavior after the incident, there is no basis for compelling the agency to provide the two reports to grievant or to place their contents in the record. Grievant's request in this regard is denied.

Grievant has pointed out, correctly, that the Board overlooked an additional interrogatory - number 13 - to which he wishes the Board to compel the agency to respond. In interrogatory 13, grievant asks the agency to state whether, from January 1, 1982 to the present, it has curtailed the assignment of any person other than grievant from [REDACTED]. If so, he asks for the name of such person or persons, the date of curtailment, and the reasons for the curtailment.

As in the case of several of the other unanswered interrogatories, grievant has not explained how such information would be relevant to his grievance. We assume that he would be aware of any pertinent curtailments which may have occurred in the security or administrative field during his stay, but he has cited nothing specific. [REDACTED] is a very high altitude post and assignment curtailments for health reasons, or for failure to adapt to the difficult living conditions, are relatively common, but this would have no relevance to the circumstances of this grievance.

The events surrounding curtailment of grievant's assignment to [REDACTED] [REDACTED] are related to a very specific set of events and issues. Grievant has suggested nothing and we can think of no reason why other curtailments for reasons related to performance or management considerations, assuming any occurred, would be relevant to the issues raised in his grievance. Consequently, the agency is not required to respond to interrogatory 13.

Since discovery issues in this grievance are now concluded, grievant shall have up to 30 days from the date of receipt of this order to file any supplemental submission on the merits of the grievance.

In accordance with the Board's filing guidelines, the agency will then have up to 30 days in which to respond, and the grievant 15 additional days in which to file a rebuttal.

For the Foreign Service Grievance Board.



Leroy S. Merrifield  
Presiding Member



James S. Landberg



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G. Richard Monsen  
Member