

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between

{Grievant}

And

Department of State

Record of Proceedings
Case No. 2006-001

Date: January 27, 2006

ORDER: REMAND -- EXCISION

For the Foreign Service Grievance Board:

Presiding Member:

Edward A. Reidy

Board Members:

Robert J. Bigart
Johnny Young

Special Assistant:

Lane T. Cubstead

Representative for the Grievant:

Pro se

Representative for the Department:

Joanne M. Lishman
Director
Grievance Staff

Employee Exclusive Representative:

American Foreign Service Association

ORDER: REMAND

I. BACKGROUND

{Grievant} is a former Foreign Service officer who retired from the State Department under the Foreign Service Pension System (FSPS). On September 19, 2005, {Grievant} sent a letter to Linda S. Taglialatela, Deputy Assistant Secretary in the Bureau of Human Resources, requesting reconsideration of a June 7, 2005 decision of David B. Dlouhy, the Director of the Office of Retirement, in connection with his retirement annuity and that of his former spouse, {Blank}.

On November 2, 2005, Taglialatela issued her decision in which she affirmed Dlouhy's decision. She advised {Grievant} that "If you are dissatisfied with this decision you may file a grievance through the Foreign Service grievance procedure as specified in the agency regulations at 3 FAM 4400."

On December 20, 2005¹, {Grievant} sent a "grievance appeal" to this Board citing 3 FAM 4410. The Board has established the appeal as FSGB Case No. 2006-01.

II. DISCUSSION AND FINDINGS

It is unclear to the Board whether {Grievant} has exhausted his appeal remedies with the Department. In a recent case before the Board, FSGB case No. 2005-065, the Department and AFSA, which was representing that appellant, jointly asked the Board to dismiss the case without prejudice to the appellant, so that the appellant could refile the appeal "in the venue he chooses, i.e. either with Linda Taglialatela (with the option to appeal using the two step grievance process) or to file a grievance directly with the

¹ In a letter dated January 9, 2006, in which he submitted the paperwork on his appeal, {Grievant} notified the Board that the envelope containing his December 20, 2005, appeal was returned to him by the Postal Service as it was undeliverable to the address he had written on the envelope.

Department (and subsequently with the FSGB should the Department deny the grievance).” At the request of the parties, we issued an Order dismissing the case without prejudice.

As the issue in that case is similar to that brought by {Grievant}, in that it involves a matter regarding annuity benefits under the FSPS, the Board will follow the same procedure in order to ensure that {Grievant} has the opportunity to have a final determination by the Department before the Board considers his appeal.

III. ORDER

The appeal of {Grievant} is remanded to the Department for further review and determination, as it is unclear to the Board whether {Grievant} has exhausted his appeal remedies with the Department. If the Department concludes that it has completed its review, the Board will begin its review of the appeal.