

**BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD**

In the Matter Between

  
Grievant

And

Department of Commerce

Record of Proceeding

FSGB 2007-047

January 31, 2008

**ORDER: MOTION TO STRIKE OR  
FOR LEAVE TO RESPOND**

**EXCISED**

For the Foreign Service Grievance Board:

Presiding Member:

Roger C. Hartley

Board Members:

James E. Blanford

John H. Rouse

Special Assistant:

Linda B. Lee

Representative for the Grievant:

Pro Se

Representative for the Department:

Adam Chandler  
Agency Representative  
Office of General Counsel

Employee Exclusive Representative:

American Foreign Service Association

## **ORDER: MOTION TO STRIKE OR FOR LEAVE TO RESPOND**

### **BACKGROUND**

In an acknowledgement letter dated November 21, 2007, the Board directed the parties to file briefs on the issue of whether the grievance was timely filed. The "Grievant's Brief on Timeliness" was filed on December 6, 2007. The "Agency Response to the Grievant's Jurisdictional Submission" was filed on December 28, 2007. On January 2, 2008, Grievant requested the opportunity to reply to the Agency's response. The Agency filed an objection on January 3, 2008 and in the alternative requested that if the grievant was given the opportunity to respond, the Board grant the Agency the opportunity to respond to arguments raised in the Grievant's supplemental submission. The Board granted the Grievant's motion to file a reply and denied the Agency's motion to be permitted to file a reply. On January 15, 2008, the Agency filed "Agency's Motion to Strike New Arguments Raised for the First Time in Grievant's Reply to Agency's Response to Grievant's Jurisdictional Submission." Alternatively, it requested permission to respond to the grievant's reply. The Grievant opposed the Agency's Motion to Strike in a submission filed on January 25, 2008.

### **ORDER**

1. The Agency's January 15, 2008 Motion to Strike is denied.
2. The Agency's alternative motion for an opportunity to respond to grievant's January 11, 2008 Reply Brief is granted. The Agency is granted 20 days from the date of receipt of this order to file such a response.

For the Foreign Service Grievance Board:



Roger C. Hartley  
Presiding Member



James E. Blanford  
Member



John H. Rouse  
Member