

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between

[Grievant]
Grievant

and

Department of State
Agency

Record of Proceeding
FSGB 2009-002

February 12, 2009

**ORDER
EXCISION**

For the Foreign Service Grievance Board:

Presiding Member:

Harriet E. Davidson

Board Members:

James E. Blanford
Alfred O. Haynes

Special Assistant:

Linda B. Lee

Representative for the Grievant:

June D.W. Kalijarvi, Esq.

Representative for the Department

Joanne Lishman
Director
Grievance Staff

Employee Exclusive Representative:

American Foreign Service Association

ORDER

This Order addresses [Grievant]'s (grievant) request for a hearing contained in her grievance appeal filed with the Board on January 21, [Year 1]. The Department submitted its opposition to grievant's hearing request on February 5, [Year 1].

22 U.S.C. 4136 states:

The Board shall conduct a hearing at the request of the grievant in any case which involves:

- (A) Disciplinary action or the retirement of a grievant from the Service . . . or
- (B) Issues, which in the judgment of the Board, can best be resolved by a hearing or presentation of oral argument.

At this early stage in the proceedings, there is insufficient information in the Record of Proceeding (ROP) for the Board to determine whether a hearing is warranted. Therefore, grievant's request is being held in abeyance until the parties have had the opportunity to present additional evidence and argument to the Board, and the Board has had the opportunity to review the record to determine whether the issues can best be resolved by a hearing. Before ruling on grievant's request, the Board will give grievant the opportunity to reply to the Department's opposition.