

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between


Grievant

And

DEPARTMENT OF STATE

Record of Proceedings
FSGB No. 2009-043

Date: December 14, 2010

**ORDER: INTERIM RELIEF
EXCISED**

For the Foreign Service Grievance Board:

Presiding Member:

Arthur A. Horowitz

Board Members:

Jeanne Schulz
Richard Shinnick

Special Assistant:

Joseph Pastic

Representative for the Grievant:

Bridget Mugane, Esq.

Representative for the Department:

Joanne M. Lishman
Director
Grievance Staff

Employee Exclusive Representative:

American Foreign Service Association

ORDER: INTERIM RELIEF

I. BACKGROUND

By letter dated December 15, 2009, the Board acknowledged receipt of grievant's appeal and request for interim relief from separation as an untenured employee. The Board granted temporary interim relief until it could make a final decision on interim relief. On January 14, 2010, the Department advised the Board in an e-mail message that it would not oppose the granting of interim relief pending disposition of this appeal. On January 25, 2010, the Board granted interim relief from separation to December 14, 2010, or until a final decision is reached – whichever comes first. Due to the complexities of the case, the Board has not yet issued its decision.

In an e-mail dated December 13, 2010, grievant moved for an extension of interim relief. The Department stated in an e-mail dated December 14 that it would not object to an extension “if the Board were to find the case to be extraordinarily complex or if it finds that it is responsible for the delay in issuing a decision. The Department does not believe that either it or the Grievant is responsible for any delay.”

II. DISCUSSION

22 U.S.C. § 4136(8) authorizes the Board to extend interim relief beyond one year “if it determines that the delay is due to the complexity of the case . . . or to circumstances beyond the control of the agency, the Board, or the grievant.” The Board finds that the complexity of this case supports a decision to extend interim relief.

III. ORDER

Interim relief from separation is extended for three months, to March 14, 2011, or until a final decision is reached – whichever comes first.

