

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between



Grievant

and

U.S. Agency for International Development

Record of Proceedings
FSGB Case No. 2011-024

April 14, 2016

ORDER: INJUNCTION

EXCISED

For the Foreign Service Grievance Board:

Presiding Member:

Susan R. Winfield

Board Members:

Jeanne L. Schulz

William J. Hudson

Special Assistant

Katherine D. Kaetzer-Hodson

Representative for the Grievant:

Daniel Crowley,
Hannon Law Group, LLP

Representative for the Agency:

Frank Walsh
USAID, GC/EA

Employee Exclusive Representative:

American Foreign Service Association

ORDER

The Foreign Service Grievance Board (Board) has considered the Record of Proceedings in this matter, *sua sponte*, and notes that the case has been pending since January 2011, more than five years. Grievant, [REDACTED], and the agency, the United States Agency for International Development (USAID), have been in protracted discovery and discovery disputes for almost that entire time period. The parties have filed numerous repetitive motions to compel discovery, numerous motions for reconsideration of several orders of this Board and numerous repetitive motions for sanctions during the discovery period. Grievant's discovery should be completed as of March 31, 2016, with the submission of limited additional discovery responses from agency employees. There is also now pending a motion by grievant to reconsider past discovery orders of this panel to date, based on findings made in an unrelated case decided by a different panel.

The Board notes that the protracted nature of discovery and the repetitive motions practice in this appeal have cost the public significant resources, with little measurable advantage in the resolution of the case. The Board finds that at this point, fiscal concerns and an obligation to resolve expeditiously the merits of the appeal must be weighed against the absence of any real benefit to additional delays.

Accordingly, until further order from this Board, it is this 14th day of April 2016 **ORDERED** that both parties be, and hereby are, ENJOINED from filing any additional motions or requests for relief without first requesting and receiving written permission from the Board. If either party files a motion or request for relief without prior written permission to do so from this Board, the Special Assistant assigned to this case is instructed to reject and return such a pleading or document to the filing party.

If either party wishes to file any additional motion or request for relief, that party must submit a request for permission from this Board to do so by email, through the Special Assistant assigned to this case and that party must show cause why the motion or request is necessary to the resolution of the appeal; why the motion was not filed previously; and what new issue is addressed in the motion or request that has not previously been decided.

The requesting party may not attach a copy of the proposed motion or request for relief to the email, nor may the requesting party attach any documents to the email. The opposing party shall not respond to the email request unless the Board requests such a response. The Board will not grant a motion or request for relief without permitting the opposing party to be heard on the request.

IT IS SO ORDERED

For the Foreign Service Grievance Board:



Susan R. Winfield
Presiding Member



Jeanne L. Schulz
Member



William J. Hudson
Member