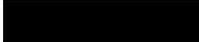


**BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD**

In the Matter Between

  
Grievant

And

Department of State

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Record of Proceedings  
FSGB No. 2011-057

January 25, 2012

**ORDER: JURISDICTION**

EXCISED

For the Foreign Service Grievance Board:

Presiding Member:

Arthur A. Horowitz

Board Members:

Alfred O. Haynes  
Barbara C. Cummings

Special Assistant:

Jill E. Perry

Representative for the Grievant:

*Pro se*

Representative for the Department

Melinda Chandler, Director HR/G

Employee Exclusive Representative:

American Foreign Service Association

## **ORDER: JURISDICTION**

This Order addresses the issue of jurisdiction raised by the Department on December 14, 2011.

The grievant filed his appeal with this Board on November 14, 2011, stating that he had been the subject of an assignment process that was performed in a manner contrary to the Foreign Affairs Manual (FAM).

The agency filed “Department’s Response to Grievance Appeal” on December 14, 2011, contending that the grievant had neither established that his claim met the statutory definition of a “grievance” within the meaning of the Foreign Service Act nor that the Department committed a procedural error in directing his assignment to [REDACTED], [REDACTED]. The Department cited 22 U.S.C. § 4131(b)(1) in support of its contention that the term “grievance” does not include “an individual assignment of a member ... other than an assignment alleged to be contrary to law or regulation.”

In keeping with FSGB regulation 22 CFR § 904.2, “Preliminary determinations”, on December 19, 2011, the Board requested grievant’s response to the Department’s assertion that his appeal did not meet the statutory definition of a “grievance.”

On January 4, 2012, grievant confirmed that the essence of his argument is that his directed assignment to [REDACTED] was made “contrary to law or regulation” because he was entitled to bid openly for his next assignment.

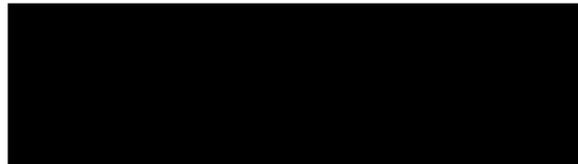
On the basis of the record, this Board has determined that grievant is in fact alleging that the directed assignment made by the Department is contrary to law or regulation. Therefore, the Board finds that the matter in dispute involves a grievance, and it will retain jurisdiction over this matter.

For the Foreign Service Grievance Board:



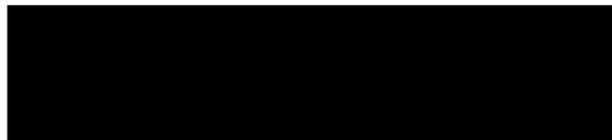
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Arthur A. Horowitz  
Presiding Member



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Alfred O. Haynes  
Member



Barbara C. Cummings  
Member