

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between

[REDACTED]
Grievant

And

Department of State

Record of Proceedings
FSGB Case No. 2014-050

April 30, 2015

ORDER: Timeline

EXCISED

For the Foreign Service Grievance Board:

Presiding Member:

Arthur A. Horowitz

Board Members:

**Nancy M. Serpa
Gregory D. Loose**

Special Assistant

Lisa K. Bucher

Representative for the Grievant:

Pro se

Representative for the Department:

Elizabeth Whitaker
Grievance Analyst
HR/G

Employee Exclusive Representative:

American Foreign Service Association

ORDER: Timeline for Remainder of Grievance Appeal No. 2014-050

I. THE ISSUE

This order specifically addresses the procedural posture of the grievance appeal filed by [REDACTED] and designated as FSGB Case No. 2014-050.

II. BACKGROUND

The Board received this grievance appeal on December 22 and acknowledged it on December 30, 2014. Without agency objection, the Board on January 23, 2015, granted grievant's request for interim relief from separation pursuant to the recommendation of a 2013 Performance Standards Board, during the pendency of this appeal or until December 21, 2015, whichever comes first. Grievant's first discovery request, after two extensions, was filed on February 2, 2015, and the Department responded to it on February 25, 2015. On March 4, 2015, grievant asked the agency to meet with her to discuss its responses to her discovery requests. After several failed attempts to arrange a mutually convenient time for such a meeting, the parties finally got together on March 23, 2015, engaged in discussions for two hours, but apparently failed to resolve their differences on discovery issues. In a subsequent e-mail, the agency reasserted its position that discovery discussions had concluded on March 23.

Since that meeting, grievant has failed to file either a Motion to Compel Discovery or a Supplemental Submission within the timeframes set forth in the FSGB policies and procedures. In several emails to the Board's special assistant (SA), grievant has indicated she wanted "time to confer further with disability attorneys and law professors," and, also in an email, asked the

SA “for the Board’s consideration for a substantial extension.” Despite having been advised by the SA that the Board would respond only to formal written requests, such as a Motion to Submit a Late Filing, and despite having stated her intention, in an email of April 13, 2015, to “follow up on-record with the Board,” the grievant has filed no such formal requests with this Board to date.

III. ORDER

The Board notes that, under its policies and procedures, the deadline for completion of discovery has passed, as has the time for grievant to file a Supplemental Submission. In order to facilitate the orderly and timely processing of this grievance appeal, the Board orders the parties to adhere to the following schedule: Within 30 days from the date of this Order, the agency shall file a response to the grievance appeal. Then grievant shall have 20 days from receipt of the agency’s response to file a rebuttal thereto. Thereafter, the Board will close the Record of Proceedings and render its final decision.

For the Foreign Service Grievance Board:



Arthur A. Horowitz
Presiding Member



Nancy M. Serpa
Member



Gregory D. Loose
Member