



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424-0001

MEMORANDUM

DATE: September 9, 2010

TO: The Federal Labor Relations Authority

FROM: CHARLES R. CENTER
Chief Administrative Law Judge

SUBJECT: DEPARTMENT OF VETERANS AFFAIRS
VETERANS CANTEEN SERVICES
ST. LOUIS, MISSOURI (BILOXI, MISSISSIPPI)

RESPONDENT

AND

Case No. AT-CA-10-0019

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
LOCAL 1045

CHARGING PARTY

Pursuant to 5 C.F.R. § 2423.34(b) of the Rules and Regulations, I hereby transfer the above case to the Authority. As this was a Bench Decision, in accordance with 5 C.F.R. § 2423.31(d) an excerpt from the transcript containing the oral decision is enclosed together with a proposed order and notice to be posted. Also enclosed are the service sheet, the transmittal form sent to the parties, and the transcript and exhibits. In accordance with 5 C.F.R. § 2423.31(d) the parties waived the right to submit post-hearing briefs.

Enclosures



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424-0001

DEPARTMENT OF VETERANS AFFAIRS
VETERANS CANTEEN SERVICES
ST. LOUIS, MISSOURI (BILOXI, MISSISSIPPI)

RESPONDENT

AND

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 1045

CHARGING PARTY

Case No. AT-CA-10-0019

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been heard by the undersigned Administrative Law Judge pursuant to the Statute and the Rules and Regulations of the Authority, the undersigned herein serves the Bench Decision issued on July 14, 2010, a copy of which is attached hereto, on all parties to the proceeding on this date and this case is hereby transferred to the Federal Labor Relations Authority pursuant to 5 C.F.R. §2423.34(b).

PLEASE BE ADVISED that the filing of exceptions to the attached Decision is governed by 5 C.F.R. §§2423.40-41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Exceptions must be filed on or before **OCTOBER 12, 2010**, and addressed to:

Office of Case Intake & Publication
Federal Labor Relations Authority
1400 K Street, N.W., 2nd Floor
Washington, DC 20424-0001

CHARLES R. CENTER
Chief Administrative Law Judge

Dated: September 9, 2010
Washington, D.C.

Inserted pages 96-97 Transcript, Court Reporter's

ORDER

Pursuant to §2423.41(c) of the Authority's Rules and Regulations and §7118 of the Federal Service Labor-Management Relations Statute (Statute), the Department of Veterans Affairs, Veterans Canteen Services, St. Louis, Missouri (Biloxi, Mississippi), shall:

1. Cease and desist from:

(a) Admonishing employees about the use of Union representation provided by the American Federation of Government Employees, Local 1045.

(b) In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of their rights assured by the Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Statute:

(a) Post at all Agency facilities located in Biloxi, Mississippi, copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the Agency's senior representative at the facility, and shall be posted and maintained for 60 consecutive days thereafter, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to ensure that such Notices are not altered, defaced, or covered by any other material.

(b) Pursuant to §2423.41(e) of the Authority's Rules and Regulations, notify the Regional Director, Atlanta Region, Federal Labor Relations Authority, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply.

Issued, Washington, D.C., September 9, 2010.

CHARLES R. CENTER
Chief Administrative Law Judge

NOTICE TO ALL EMPLOYEES
POSTED BY ORDER OF THE
FEDERAL LABOR RELATIONS AUTHORITY

The Federal Labor Relations Authority has found that the Department of Veterans Affairs, Veterans Canteen Services, St. Louis, Missouri (Biloxi, Mississippi), violated the Federal Service Labor-Management Relations Statute, and has ordered us to post and abide by this Notice.

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT admonish employees about the use of union representation provided by the American Federation of Government Employees, Local 1045.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce our employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

(Agency/Activity)

Dated: _____

By: _____
(Signature) (Title)

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Regional Director, Atlanta Region, Federal Labor Relations Authority, whose address is: 225 Peachtree Street, Suite 1950, Atlanta, GA 30303, and whose telephone number is: (404)331-5300.

CERTIFICATE OF SERVICE

I certify that copies of the **BENCH DECISION**, issued by CHARLES R. CENTER, Chief Administrative Law Judge, in Case No. AT-CA-10-0019, were sent to the following parties:

CERTIFIED MAIL & RETURN RECEIPT

CERTIFIED NOS:

Brent S. Hudspeth
Counsel for the General Counsel
Federal Labor Relations Authority
225 Peachtree Street, Suite 1950
Atlanta, GA 30303

7004-1350-0003-5175-3956

Kimberly A. Negley, Staff Attorney
Department of Veterans Affairs, ORC
1 Jefferson Barracks Drive, Bldg. 25
ST. Louis, MO 63125

7004-1350-0003-5175-3963

James A. Zeveski
National Employee/Labor Relations Manager
Veterans Canteen Central Office
1 Jefferson Barracks Road, Bldg. 25
St. Louis, MO 63125

7004-1350-0003-5175-3970

Joyce Ducey, Executive Vice President
AFGE, Local 1045
P.O. Box 9081
Biloxi, MS 39506

7004-1350-0003-5175-3987

REGULAR MAIL:

President
AFGE, AFL-CIO
80 F Street, N.W.
Washington, D.C. 20001

Catherine Turner
Office of Administrative Law Judges
Federal Labor Relations Authority

Dated: September 9, 2010
Washington, DC