

ATTACHMENT 302

SAMPLE LETTER

RE: CHARGING PARTY FAILURE TO COOPERATE DURING INVESTIGATION--WARNING OF POTENTIAL DISMISSAL

(date)

Charging Party
(Name and Address)

Re: Case Name and Case Number

Dear Mr./Ms. (Name):

This letter concerns the investigation of the captioned case which this office docketed on (date). The charge concerned an allegation that the Agency refused to provide the Charging Party with information under section 7114(b)(4) of the Federal Service Labor-Management Relations Statute and therefore violated section 7116(a)(1), (5), and (8) of the Statute.

On (date) I spoke with you by telephone about this case. During this conversation, you agreed to provide certain documentation in support of the charge. On (date), having not yet received the documentation, I telephoned you and left a voice mail message to that effect but you did not respond to my message. Again, two weeks later, on (date), I attempted on numerous occasions to leave messages but your voice-mail box was full. Today I left a voice mail message asking that you contact me as soon as possible regarding the investigation of this charge.

Our regulations state that “[a]ll persons are expected to cooperate fully with the Regional Director in the investigation of charges” which includes “[p]roducing “documentary evidence pertinent to the matters under investigation.” See 5 C.F.R. § 2423.8(b). In light of this requirement, I request that you either provide the documentation required by (date) or contact me by telephone before that date. In the event that the Union is no longer interested in pursuing this charge, please let me know so that I can arrange to have the Regional Director approve your request to withdraw the charge.

Should you fail to send me the required documentation or contact me on or before (date), I will recommend that the Regional Director dismiss the charge for failure to cooperate during the investigation.

Sincerely,

Field Agent