

ATTACHMENT 4H2

MODEL PARTIAL DISMISSAL LETTER

(Date)

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Charging Party
(Address)

Re: Case Name
Case #

Dear Mr./Ms. (Name):

- 1st ¶ Clear statement of all of the allegations or issues as clarified during the investigation;
- 2nd ¶ Describe the issues upon which complaint will issue.
- 3rd ¶ Succinct statement of the facts that are the basis of the dismissal;
- 4th ¶ Statement of applicable law with case cite(s) that support the dismissal;
- 5th ¶ Application of the case law to the facts of the case (including application of prosecutorial discretion criteria);

6th ¶ etc. Conclusion and Appeal rights — insert the following:

Accordingly, I am refusing to issue a complaint on this (these) allegation(s) and I am dismissing you charges. If you do not agree with my decision, you may file an appeal with the General Counsel at the address below. In addition, no further action will be taken on the meritorious allegations until either the appeal period has expired or, if applicable, until after the GC rules on the appeal. Should you file an appeal, it should include the Case Number (insert #) and be addressed to the:

Federal Labor Relations Authority
Office of the General Counsel
607 14th Street, N.W.
Suite 210 Attn: Appeals
Washington, D.C. 20424-0001

You can file your appeal by mail or by hand delivery. Whichever method you choose, please note that the last day for filing an appeal of the dismissal is **(date)**. This means that an appeal that is mailed must be postmarked, or an appeal must be hand delivered, no later than **(date)**. Please send a copy of your appeal to the Regional Director.

If you need more time to prepare your appeal, you may ask for an extension of time. Mail or hand deliver you request for an extension of time to the Office of the General Counsel at the address listed above. Because requests for an extension of time must be **received** at least five days before the date the appeal is due, any request for an extension of time in this case must be **received** at the above address no later than **(date)**.

The procedures, time limits, and grounds for filing an appeal are contained in Volume 5 of the Code of Federal Regulations at section 2423.11(c)-(g). 5 C.F.R. § 2423.11(c)-(g). The regulations may be found at any FLRA Regional Office, public law library, some large general purpose libraries, Federal Personnel Offices and the Authority's Home Page internet site— **www.FLRA.gov**. I have also enclosed a document which summarizes frequently-asked questions and answers regarding the Office of the General Counsel's unfair labor practice appeals process.

Sincerely,

Regional Director

Enclosures

cc: Charged Party Rep.
(Name and Address)