

## ATTACHMENT 4B3

### **MODEL DISMISSAL LETTER WITH FOOTNOTE APPROVING REQUEST TO RESCIND REQUEST TO WITHDRAW CHARGE (AFTER RD APPROVED IN WRITING REQUEST TO WITHDRAW CHARGE)**

(Date)

#### **CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Charging Party  
(Address)

Re: Case Name and Number

Dear Mr./Ms. (Name):

1st ¶ Clear Statement of the allegations or issues as clarified during the investigation; [footnote at end of first sentence]\*\*

2nd ¶ Succinct statement of the facts;

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\*\* On (date) I approved your request to withdraw the charge in this case. In addition, on (date) you requested to rescind withdrawal of your request to withdraw charge. I approve your request to rescind your withdrawal request and, for the reasons explained in this letter, dismiss the charge.

- 3rd ¶ Statement of applicable law with supporting case cite(s);
- 4th ¶ Application of the case law to the facts of the case (including application of prosecutorial discretion criteria);
- 5th ¶ etc. Conclusion and Appeal rights — insert the following:

Accordingly, I am refusing to issue a complaint in this (these) case(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. Your appeal 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 set forth in the Authority's Regulations at section 2423.10(c) through (e) (Volume 5 of the Code of Regulations). 5 C.F.R. § 2423.10(c)-(e). The regulations may be found at

any Authority 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 commonly-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)