

FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C.
(Agency)

and

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL COUNCIL OF HUD LOCALS 222
(Union)

0-AR-4206

ORDER TO SHOW CAUSE

April 19, 2007

The Agency filed exceptions to the award of Arbitrator Andree Y. McKissick in the above-captioned case, and the Union filed an opposition to the Agency's exceptions. For the following reasons, the Agency is directed to show cause why its exceptions should not be dismissed as untimely filed.


The time limit for filing exceptions to an arbitration award is 30 days "beginning on the date the award is served on the [filing] party[.]" 5 U.S.C. § 7122(b); see also, 5 C.F.R. § 2425.1(b). The date of service is the date the arbitration award is deposited in the United States mail, delivered in person, received from commercial delivery, or, in the case of facsimile transmissions, the date transmitted. 5 C.F.R. § 2429.27(d). Absent evidence to the contrary, an arbitration award is presumed to have been served by mail on the date of the award. See *Okla. City Air Logistics Ctr., Tinker Air Force Base, Okla.*, 32 FLRA 165, 167 (1988). If the award is served by mail, five days are added to the period for filing exceptions. 5 C.F.R. § 2429.22. The time limit may not be extended or waived by the Authority. 5 C.F.R. § 2429.23(d); see also *United States Info. Agency*, 49 FLRA 869, 871-73 (1994).

Arbitrator McKissick's award is dated January 24, 2007. Therefore, any exceptions to the award had to be postmarked by the U.S. Postal Service, filed in person, or received from commercial delivery with the Authority no later than February 27, 2007 in order to be timely. 5 C.F.R. §§ 2425.1(b), 2429.21(b), 2429.22 & 2429.24(e). The Agency's exceptions were filed with the Authority by personal delivery on March 1, 2007. Accordingly, the Agency is ordered to show cause why its exceptions should not be dismissed as untimely filed.

The Agency must file with the Authority, by May 3, 2007, five copies, one of which contains an original signature, of its response to this Order To Show Cause. The Agency's response must include five copies, one of which contains an original signature, of a statement of service that complies with the Authority's Regulations showing that the Agency's response has been served on all counsel of record or other designated representatives. 5 C.F.R. § 2429.27(a) & (c). The response should be directed to William R. Tobey, Acting Chief, Case Intake and Publication, Federal Labor Relations Authority, 1400 K Street, NW, Room 201, Washington, DC 20424-0001.

The Agency's failure to comply with this Order by May 3, 2007 may result in dismissal of its exceptions.

For the Authority:



William R. Tobey, Acting Chief
Control Intake and Publication

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STATEMENT OF SERVICE

I hereby certify that copies of the Order To Show Cause of the Federal Labor Relations Authority in the subject proceeding have this day been mailed to the following:

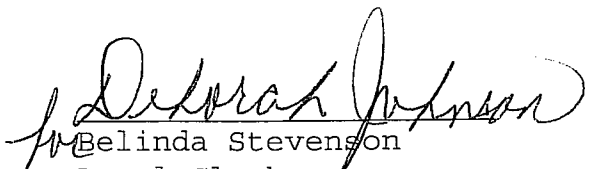
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James L. Keys
Agency Representative
Department of Housing & Urban Development
451 7th Street, SW., Room 2150
Washington, DC 20410

Michael J. Snider
Union Representative
Snider & Associates, LLC
104 Church Lane
Suite 100
Baltimore, MD 21208

DATED:

April 19, 2007
WASHINGTON, DC


Belinda Stevenson
Legal Clerk