

LABOR RELATIONS



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CONTRACT ADMINISTRATION UNIT  
N.A.L.C. WASHINGTON, D.C.

Mr. William H. Young  
Vice President  
National Association of Letter  
Carriers, AFL-CIO  
100 Indiana Avenue, NW  
Washington DC 20001-2197

Re: G94N-4G-D 96088399  
DOSSEY, T.  
BROKEN ARROW OK 74012-9998

Dear Mr. Young:

Recently, you met with Richard Murmer of my staff in pre-arbitration discussion of the above-captioned grievance.

The issue in this grievance is whether a party who chooses to file a post-hearing brief may be excluded from an arbitration hearing during the time in which the other party presents oral closing arguments.

In this case, the regular arbitrator issued a ruling that would have excluded the employer's representative from the hearing room during the Union's oral closing statement.

During our discussion, we mutually agreed to settle the issue represented as follows:

In the absence of a contractual provision to the contrary, an arbitrator has inherent authority to decide procedural questions raised at the arbitration hearing. At the same time, the arbitrator has no authority to contradict procedural rules that the parties themselves have bargained for and made a part of their Collective Bargaining Agreement.

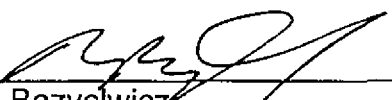
In this particular case, the MOU on ex parte communication would prohibit the ruling made by this particular arbitrator. In light of the above, this grievance will be remanded to regional arbitration in accordance with the memo on Step 4 procedures.

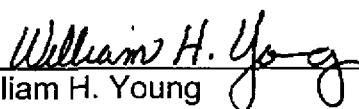
The Union will be given an opportunity to reconsider its decision in this particular case not to file a brief. If the Union decides to close orally, the USPS representatives will not be excluded from the hearing during closing arguments. At the time the employer files its brief, a copy must be sent to the Union. We further agree that the Union, at its discretion, may request leave from the arbitrator in this case to file a reply brief at that time.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to remand Case Number G94N-4G-D 96088399 and remove it from the pending national arbitration listing.

Time limits were extended by mutual consent.

Sincerely,

  
\_\_\_\_\_  
Pete Bazyelwicz  
Manager  
Grievance and Arbitration

  
\_\_\_\_\_  
William H. Young  
Vice President  
National Association of Letter Carriers,  
AFL-CIO

Date: 5/21/98