



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

JUL 2 1981

OFFICE OF GENERAL COUNSEL

In Reply
Refer to: B-202029(MGB)

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Mr. Thomas S. McFee
Assistant Secretary of
Personnel Administration
Department of Health and Human
Services
Office of the Secretary
Washington, D.C. 20201

Dear Mr. McFee:

This is in further response to your request dated January 27, 1981, for a decision on the waiver issue raised in FLRA No. 9-CA-511.

Since the question of whether or not an unfair labor practice has occurred is still pending before the Federal Labor Relations Authority, and in the absence of a request for an advisory opinion from the Authority pursuant to 4 C.F.R. 21.5, we do not believe it would be appropriate to respond to your request at this time. However, in the event the Authority issues a decision determining that an unfair labor practice has occurred and orders payment to the union, you may resubmit the waiver issue for consideration by this Office.

Sincerely yours,

ROBERT L. HIGGINS

Robert L. Higgins
Assistant General Counsel

cc: Federal Labor Relations Authority
1900 E Street, N.W., Room 7469
Washington, D.C. 20424

Mr. Vince Morgante, Chief Steward
AFGE, Council of Social Security
District Office Locals, AFL-CIO
1950 University Avenue
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Mr. Robert G. Mayberry
Regional Director
Federal Labor Relations Authority
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450 Golden Gate Avenue, Box 36016
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