UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY
Case No.
Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)
Executive Office of Immigration Review (EOIR)
Department of Justice
5107 Leesburg Pike
26th Floor
Falls Church, VA 22041

b. Agency Representative (include name, title, address)
Rena Scheinkman
Assistant General Counsel
Executive Office of Immigration Review (EOIR)
5107 Leesburg Pike
26th Floor
Falls Church, VA 22041

tel. 703-605-0442 fax
e-mail rena.scheinkman@usdoj.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)
National Association of Immigration Judges (NAIJ)
IFPTE Judicial Council 2
Los Angeles Immigration Court
606 South Olive Street
Floor 15
Los Angeles, CA 90014

b. Charging Party Representative (include name, title, address)
Richard Bialczak
Counsel
48-18 Van Dam Street
2nd Floor
Long Island City, NY 11101

tel. 202-236-7259 fax
e-mail rickbial@gmail.com

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On or around April 9, 2019, the Union submitted an information request pursuant to 5 U.S.C. 7114(b)(4), requesting a variety of documents concerning whether, and to what effect, members of the bargaining unit were considered inferior officers. The information request was submitted in the course of collective bargaining, and for the purpose of continuing negotiations. Although unknown at the time, the information is directly relevant to a claim made in the Agency's subsequent petition to decertify the union. The Agency has failed to respond to the request and refused to furnish the information, an unfair labor practice under 5 U.S.C. 7116(a)(1)(5) and (8).

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ■ (2) ☐ (3) ☐ (4) ☐ (5) ■ (6) ☐ (7) ☐ (8) ■

c. Have you or anyone else raised this matter in any other procedure? No ■ Yes ☐ If yes, where?

☐ Grievance Procedure
☐ Equal Employment Opportunity Commission
☐ Other Administrative or Judicial Proceeding
☐ Federal Mediation and Conciliation Service
☐ Merit Systems Protection Board
☐ Negotiability Appeal to FLRA
☐ Federal Service Impasses Panel
☐ Office of Special Counsel
☐ Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☐ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ■ e-mail (see reverse)

Richard Bialczak		9/27/2019
Type or Print Your Name	Your Signature	Date

Form Exempt Under 44 U.S.C. 3512

FLRA Form 22 (Rev. 10/2014)

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