



DEPARTMENT OF VETERANS AFFAIRS
Veterans Health Services and Research Administration
Washington DC 20420

In Reply Refer To:

AUG 27 1992

Edward J. Sherwood, M.D.
Director (00)
VA Medical Center
6010 Amarillo Boulevard West
Amarillo, Texas 79106

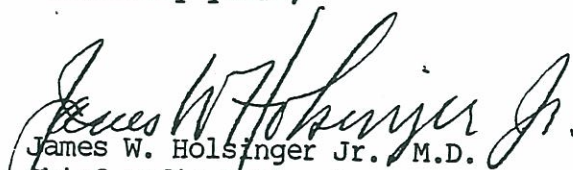
Dear Dr. Sherwood:

I am responding to the issues raised concerning the enclosed grievance filed by the National Federation of Federal Employees (NFFE) local union.

Under 38 USC Section 7422, any matter affecting registered nurses hired pursuant to Title 38 and concerning or arising out of professional conduct or competence, is nongrievable. The law authorizes the Secretary, or delegatee, to determine the grievability of any question arising under its provisions. The Secretary has delegated to my office the authority to make any such determinations, which are not subject to administrative review under the law.

Acting pursuant to this authority, I have determined that this grievance concerning official time to represent a nurse at a Summary Review Board involves professional conduct or competence and the peer review process. The Summary Review Board is the principal component of the peer review process utilized to determine the competence of a probationary registered nurse. Consequently, I believe any matter relating to the Summary Review Board including the right to union representation, which would be the requisite for granting official time, is related to professional competence or conduct and the peer review process. Accordingly, the grievance concerning the right to union representation during the Summary Review Board and official time is not grievable.

Sincerely yours,


James W. Holsinger Jr. M.D.
Chief Medical Director

Enclosure