



**NATIONAL VETERANS
AFFAIRS COUNCIL**
American Federation of Government Employees
AFFILIATED WITH THE AFL-CIO

NATIONAL GRIEVANCE

Date: May 24, 2004

To: Ronald E. Cowles, Deputy Director of Labor-Management Relations, Department of Veterans Affairs (VA)

Re: Denial of request for information under Article 46, Section 5 of the Master Agreement between VA and American Federation of Government Employees (AFGE) (MCBA)

From: William Wetmore, Chair, Grievance and Arbitration Committee, National Veterans Affairs Council (NVAC), AFGE

William Jefferson
for NVAC-AF
Nat. Re

1. This is a national grievance filed under the provisions of Article 42, Section 11 of the MCBA.
2. On or about May 12, 2004, AFGE local #17 served on the Senior Deputy Vice Chairman, Board of Veterans' Appeals, VA, an information request filed under the provisions of Article 46, section 5.
3. On or about May 13, 2004, a letter was received from a VA official (Jonathan B. Kramer) in which it was stated that the "particularized need" for an information request filed under Article 46, Section 5 of the MCBA must be provided before VA would provide the information requested.
4. In a response on or about May 18, 2004, that VA was informed that AFGE believed that the issue of "particularized need" was irrelevant to an information request filed under Article 46, section 5 of the MCBA. It was stated that "[t]hat article does not require a particularized need to be established."
5. VA responded on or about May 19, 2004 that because Article 46, Section 5 "closely tracks the language provided (sic) 5 U.S.C. 7114(b) (4), for the purpose of incorporating this statutory provision" into the MCBA. Finding that AFGE had not provided a particularized need, the information request was again denied.

6. AFGE notes that VA has elsewhere taken the position that Article 46, Section 5 requires a particularized need be shown before VA will respond to an information request filed under Article 46, section 5.

7. Under these circumstances, AFGE finds that the MCBA has been misinterpreted by VA officials at multiple facilities. The remedy sought is that VA ceases and desists from attempting to impose an incorrect interpretation of plain language in the MCBA and provide information requested under this provision without a statement of particularized need.

CC: Alma L. Lee, President, NVAC
J. David Cox, First Executive Vice President, NVAC
Jacqueline Sims, Legal Representative, NVAC
Sandra Eggleston, Thirteenth District Representative, NVAC
David Mollett, Fifth District Representative, NVAC
Ena Thompson-Judd, Second District Representative, NVAC
William Jefferson, National Representative, NVAC
Valorie Reilly, National Representative, NVAC