

**New Hearing • Continued from page 69**

of the things the parties had been litigating over for the past 18 months before the FSGB. It further asserted that the employee was a “former member” of the Foreign Service and claimed it was too late for him to file a separate grievance over these matters.

**AFSA Supports FS Grievant**

The AFSA Governing Board believes the State Department abused its discretion in withdrawing the proposed separation without the employee’s knowledge or agreement, especially since the employee’s resignation letter made clear that he wished to continue with his grievance. In addition, the FSGB’s decision was severely flawed and contrary to federal case law and its own precedents. AFSA maintains that Foreign Service employees should be afforded the right to challenge procedural violations committed during the revocation of their security clearance, as well as their separation for cause, before an impartial tribunal, such as the Foreign Service Grievance Board.

Because the department’s procedural maneuverings denied the employee these fundamental rights, the AFSA Governing Board unanimously agreed to seek reversal of the Grievance Board’s decision and pay the fees of private counsel.

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In February 2007, attorney Beth Slavet, a former chair of the Merit Systems Protection Board, filed a motion for reconsideration with the Grievance Board seeking reversal of its dismissal of the case. As

stated above, in July, the FSGB granted the motion for reconsideration, in part, and ordered a hearing on the issue of whether the employee’s resignation was voluntary or was, in effect, a forced resignation or “constructive discharge.”

That hearing will likely occur this fall. Should the employee prevail on this issue, it is unclear whether the department will be permitted to reinstate the proposal for separation for cause. In any event, this employee probably has a long legal battle ahead of him as he seeks justice before the FSGB. As this will be an expensive proposition, AFSA is seeking contributions from its members for this worthy cause. See sidebar (p. 69). □

**AFSA Meets with Diplomatic Security PDAS**

AFSA President John Naland, State Vice President Steve Kashkett and senior AFSA staff members met with Diplomatic Security Bureau Principal Deputy Assistant Secretary Greg Starr on Aug. 3. They covered such topics as security for Foreign Service members in Iraq and Afghanistan, including the security conditions in the Baghdad International Zone and the upcoming move to the new embassy compound.

DS gave an upbeat progress report on two longstanding issues: the out-of-date contact reporting requirements and the security clearance suspension process. DS expects to have the final draft of a complete revision of the regulations concerning foreign contact reporting ready in the near future. AFSA looks forward to having an opportunity to review and comment on that final draft before it is incorporated into the Foreign Affairs Manual. AFSA’s relationship with DS encompasses a wide range of vital issues, and AFSA appreciates the open lines of communication with the current DS leadership. □

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