



**U.S. Customs and
Border Protection**

SDC 100/9-C

MAY 11 2007

Terence L. Shigg
Lead Station Representative

Dear Mr. Shigg:

This is in response to your Step II Union initiated grievance filed under the National Labor Agreement (NLA) by you dated April 19, 2007. The grievance was received on April 20, 2007, and is considered timely filed. The grievance concerned the order you received by the Patrol Agent in Charge (PAIC), Alfaro Gonzales, of San Clemente Station (SCM). The order was given after a request by the PAIC was denied by you to remove a posting (enclosure 1) from the Union's bulletin board at SCM. The Union contends that this order was in violation of Article 8B of the NLA.

In your grievance you articulated the following pertinent facts:

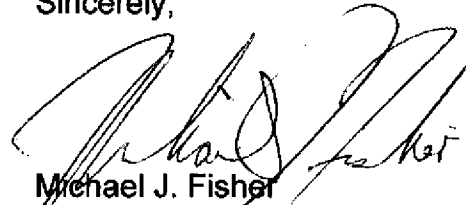
- That notice contained a picture of David Aguilar, the Chief of the United States Border Patrol.
- The heading above this picture stated in bold red letters, "No Confidence."
- Under this picture was a statement that attempted to justify the Union's "No Confidence" proclamation.
- You were told that this posting was unprofessional and inappropriate and was ordered to remove it.

I have carefully reviewed and considered your grievance in its entirety and have evaluated Management's compliance with the governing policies and contractual obligations. Accordingly, my findings are as follows.

I concur with PAIC Gonzales' observations that this posting was unprofessional and inappropriate. Additionally, this posting is libelous and therefore in direct violation of Article 8B of the National Labor Agreement.

Pursuant to the above, I find PAIC Gonzales' actions were proper and not in violation of any Article 8B of the NLA. Therefore, your grievance and presented remedies are denied. Should you disagree you may pursue this matter by referring it to arbitration per Article 34 of the NLA.

Sincerely,



Michael J. Fisher
Acting Chief Patrol Agent

Enclosure 1