

BEFORE THE BOARD OF DIRECTORS
OF THE OFFICE OF COMPLIANCE
LA 200, John Adams Building
110 Second Street, S.E.
Washington, DC 20540-1999

GLORIA HALCOMB,)
Complainant,)
)
v.)
)
OFFICE OF THE U.S. SENATE)
SERGEANT AT ARMS,)
Respondent.)
)
)

March 10, 2004

Case No. 03-SN-29 (CV, RP)

GLORIA HALCOMB,)
Complainant,)
)
v.)
)
ASSOCIATION AND EXECUTIVE BOARD)
OF THE COMMITTEE OF CORRESPONDENTS)
RADIO AND TELEVISION PRESS GALLERY)
OF THE UNITED STATES SENATE.)
Respondent.)
)
)
)

Case No. 03-SN-45 (CV, RP)

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens;
Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

**ORDER DENYING COMPLAINANT'S INTERLOCUTORY APPEAL
IN CASE NO. 03-SN-29 (CV, RP) , AND ESTABLISHING A BRIEFING SCHEDULE IN
COMPLAINANT'S PETITION FOR REVIEW IN CASE NO. 03-SN-45 (RP, CV)**

Complainant filed with the Board, on March 2, 2004 her petition for review of two separate orders issued by Hearing Officer Curtis E. Von Kann on February 3, 2004.

In Case No. 03-SN-29 (CV, RP) the Hearing Officer issued a Pre-Hearing Order that denied Complainant's motion for "conditional class certification". A hearing is scheduled to open in that matter on March 15, 2004. The Complainant, in essence, seeks interlocutory review by the Board directing the Hearing Officer to provide a forum to "the group of aggrieved covered employees". However, the Complainant failed to comply with Section 7.13 of the Office's Procedural Rules, which requires that a party file a request for interlocutory review with the hearing officer within 5 days after service of the adverse ruling on the parties. Section 7.13 (d) contemplates that the Hearing Officer will apply prescribed criteria to such requests and either endorse or not a request to the Board. The Complainant bypassed that essential process and has presented no extra-ordinary circumstances warranting that the Board directly consider her request in these circumstances. Accordingly, the Board denies Complainant's request for interlocutory review of the Hearing Officer's "conditional class certification" ruling without prejudice to the Complainant raising the matter following the issuance of the Hearing Officer's final decision and order in Case No. 03-SN-29 (CV, RP) pursuant to Section 7.16 of the Office's Procedural Rules.

The Hearing Officer, in Case No. 03-SN-45 (CV, RP), issued a final order that dismissed that entire complaint on jurisdictional grounds, finding that the named Respondent was not an *employing office* within the meaning of the Congressional Accountability Act. We shall treat the Complainant's March 2, 2004 filing, challenging that determination, as a petition for review of the final Order in Case No. 03-SN-45 (CV, RP) under Section 8.01 of the Board's Procedural Rules. Accordingly, the parties are advised that the briefing schedule described in Section 8.01(b)(1)&(2) shall run from the Complainant's receipt of this Order.

It is so ordered.

CERTIFICATE OF SERVICE

I, the undersigned employee of the Office of Compliance, certify that on the date indicated below I served the foregoing Order by facsimile mail upon the below named persons, addressed as indicated.

Sam E. Taylor
P.O. Box 15370
Washington, DC 20003

Complainant's Representative
Fax: 301-989-3249

Claudia A. Kostel, Esq.
Senate Senior Counsel for Employment
Office of the Senate Chief Counsel for Employment
Senate Hart Office Building, Room 103
Washington, D.C. 20510

Counsel for U.S. Senate Sergeant
At Arms
Fax: 202-228-2557

Lawrence Lorber, Esq.
Stephanie L. Marn
Proskauer, Rose LLP
1233 20th Street N.W.
Suite 300
Washington, DC 20036

Counsel for Association and
Executive Board of the Committee
of Correspondents, Radio and
and Television Press Gallery
of the United States Senate
Fax 202-416-6899

Signed at Washington, D.C. this 10th day of March, 2004

Kisha L. Harley
Board Clerk