

FEDERAL LABOR RELATIONS AUTHORITY

WASHINGTON, D.C.

U.S. DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(Agency)

AND

NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

**INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL
ENGINEERS JUDICIAL COUNCIL 2**

(Union)

No. WA-RP-19-0067-REC

**AGENCY’S WITHDRAWAL OF OPPOSITION TO
RESPONDENT’S MOTION FOR RECONSIDERATION**

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The U.S. Department of Justice, Executive Office for Immigration Review (Agency) respectfully submits this withdrawal of opposition to “Respondent’s Motion for Reconsideration and for Stay” (Motion for Reconsideration). Because this filing is not expressly authorized by the Authority’s regulations, it is accompanied by a separate request for leave to submit same under 5 C.F.R. §§ 2424.27 and 2429.26.

I. Procedural Background

By “Decision and Order on Review” dated November 2, 2020, the Authority ruled that the Agency’s Immigration Judges are management officials under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7101, *et seq.* Respondent filed its Motion for Reconsideration on November 17, 2020.¹ The Agency filed its opposition to the Motion for Reconsideration on November 24, 2020. On June 21, 2020, the Respondent filed its Motion for Leave, Motion for Remand and for Stay.

II. Withdrawal of Opposition

The Agency respectfully withdraws its opposition to the Motion for Reconsideration.² Furthermore, with respect to Respondent’s Motion for Leave, Motion for Remand and for Stay, the Agency respectfully states that it does not oppose remand.

Respectfully submitted,

Date: June 25, 2021

Charles B. Barksdale
Charles B. Barksdale
Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review
U.S. Department of Justice
(571) 249-6098 (work mobile)
charles.barksdale@usdoj.gov

¹ *Amicus curiae* briefs in support of Respondent’s Motion for Reconsideration were filed by the Association of Administrative Law Judges, International Federation of Professional Employees, AFL-CIO, on November 16, 2020, and the American Federation of Government Employees, AFL-CIO, on December 15, 2020. The Agency filed an opposition to the Association of Administrative Law Judges’ *amicus* brief on November 24, 2020.

² The Agency also respectfully withdraws its opposition to the *amicus curiae* brief filed by the Association of Administrative Law Judges.

STATEMENT OF SERVICE

This is to certify in accordance with 5 C.F.R. § 2422.4 and § 2429.27 that this Agency's Withdrawal of Opposition to Respondent's Motion for Reconsideration was served on June 25, 2021, via Federal Express and email (as indicated) on the following recipients:

Federal Labor Relations Authority
Brandon Bradley, Chief
Office of Case Intake and Publication
Federal Labor Relations Authority
Docket Room, Suite 200
1400 K Street, NW
Washington, DC 20424-0001

FLRA Regional Director
Jessica S. Bartlett, Regional Director
and William D. Kirsner, Regional Attorney
Washington Regional Office
Federal Labor Relations Authority
1400 K Street, NW, Second Floor
Washington, DC 20424-0001
email: jbartlett@flra.gov
wkirsn@flra.gov

Counsel for Respondent
Richard Bialczak, Esq.
48-18 Van Dam Street, 2nd Floor
Long Island City, NY 11101
email: rickbial@gmail.com

Margaret Tough, Esq. and Abigail Parr, Esq.
Latham & Watkins LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
email: Margaret.Tough@lw.com
Abigail.Parr@lw.com

Amicus – Association of Administrative Law Judges (AALJ), International Federation of Professional Employees, AFL-CIO
Melissa McIntosh, Esq.
Counsel for and President of AALJ
4740 12th Avenue North
St. Petersburg, FL 33713
email: JudgeMelissaMcIntosh@gmail.com

Amicus – American Federal of Government Employees (AFGE), AFL-CIO
Julia Turner, Assistant General Counsel
AFGE, AFL-CIO
80 F Street, NW
Washington, DC 20001
email: julia.turner@afge.org

Date: June 25, 2021

Charles B. Barksdale
Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review
U.S. Department of Justice