EMPLOYEE AND LABOR RELATIONS GROUP
Washington, DC 20260

JUL 15 1977

M-00630

ARTICLE 12
SECTION
SUBJECT
RETREAT RIGHTS

Mr. Thomas D. Riley
Assistant Secretary-Treasurer
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001

Re: A. Medeiros
New Bedford, MA
NC-N-5462/V76-10476

Dear Mr. Riley:

This will serve to cancel and supersede the Step 4 decision letter issued in the above-captioned case under date of May 23, 1977.

On the basis of our further discussions on this case, the matter at issue has been reconsidered in conjunction with the applicable contractual provisions.

Under the provisions of Appendix A, Section I, paragraph C, 5, b, (6), employees involuntarily reassigned to other installations are entitled to file a written request to be returned to the first vacancy in the level and in the craft or occupational group in the installation from which assigned. Such request was executed by the grievant in this instance under date of August 1, 1972. The conditions set forth in the referenced section of Appendix A further provide that such a request from an employee shall be honored so long as he (employee) does not withdraw or decline to accept an opportunity to return in accordance with such request. In the circumstances presented, the grievant did not withdraw his request to have retreat rights to the New Bedford Post Office, nor is it shown that he declined to accept an opportunity to return in accordance with his request. To this extent, we find that grievance is sustained.

Accordingly, by copy of this letter, the postmaster is instructed to take the necessary measures to assure that the grievant's seniority date is properly reestablished in accordance with the retreat right provisions in Appendix A of the National Agreement.

Sincerely,

W. E. Henry

William E. Henry, Jr.
Labor Relations Department

NOTE: The grievant was excessed outside his installation and filed a request to be returned. He later voluntarily transferred to another office. Management held that this negated his retreat rights. He later returned to his original office and was given seniority one day junior. This was later changed to the date of his return. The decision returns all his seniority.