

BEFORE THOMAS F. LEVAK, ARBITRATOR

In the Matter of the Regular
Western Regional Arbitration
Between:

ARBITRATOR'S ORDER
POSTPONING HEARING

U. S. POSTAL SERVICE
THE "SERVICE"

(Salt Lake City, Utah)

W4N-5L-D 13493

and

NATIONAL ASSOCIATION OF
LETTER CARRIERS, AFL-CIO
THE "UNION"

(S. Szot, the "Grievant")

C 6249

This matter came for hearing before the Arbitrator at 8:00 a. m., May 20, 1986, at the offices of the Service, Salt Lake City, Utah. The Service was represented by Jim Hickok. The Union was represented by Jim Edgemon. The Grievant, S. Szot, also appeared and was accompanied by his attorney, Hershel Bullen. It is noted by the Arbitrator that neither the Grievant nor Mr. Bullen requested that Mr. Bullen be allowed to formally participate in the proceedings.

Prior to the commencement of the hearing, Mr. Edgemon, on behalf of the Union and Mr. Szot, moved to postpone the hearing and to continue it on another date. The motion was expressly joined in by the Grievant. The Motion was opposed by Mr. Hickok.

Mr. Edgemon advanced the following reasons in support of his motion: (1) The Union was advised for the first time on May 19, 1986 that the Grievant had been arrested on charges arising out of the alleged facts for which he had been removed, and he was being prosecuted in U. S. District Court. (2) The Grievant further advised the Union on May 19 that Mr. Bullen had advised him not to testify in any arbitration hearing until the criminal matter had been disposed of at the trial court level, so as to avoid the use of such testimony by the prosecution. (3) Trial was presently scheduled for June 9, 1986.

Mr. Hickok objected to the postponement on the grounds that he was prepared for hearing and that the Postal Inspector had been flown to Salt Lake City to testify at considerable expense.

Having considered the facts and the arguments of the parties, and good cause having been shown by the Union,

IT IS HEREBY ORDERED:

1. The hearing in this matter is postponed until

adjudication or disposition by the U. S. District Court (the trial court) or entry of a plea of guilty or no contest to the charged or to a lesser offense. Any request for a new trial after adjudication, or any appeal, shall not be grounds for further postponement.

2. The Arbitrator retains jurisdiction of this case, both on the merits and to resolve any dispute over the scope or effect of this Order. Upon disposition by the trial court, this case shall be assigned to the Arbitrator for hearing. The Arbitrator will make every effort to hear this case at the earliest possible date.

Dated this 24th day of May, 1986.



Thomas F. Levak, Arbitrator.