

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

DAVID ANDERSON, ET AL.,
Appellant,

v.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Agency.

DOCKET NUMBER
CH075281F0873¹

DATE: DEC 01 1989

Phillip S. Wood and Gary Ethan Klein, Esquires, Pasky &
Wood, Aurora, Illinois, for the appellants.

Perry A. Kupietz, Esquire, Des Plaines, Illinois, for the
agency.

BEFORE

Daniel R. Levinson, Chairman
Maria L. Johnson, Vice Chairman
Samuel W. Bogley, Member

ORDER

These appeals are before the Board upon the appellants' request for reopening and reconsideration of the final decisions sustaining their removal.

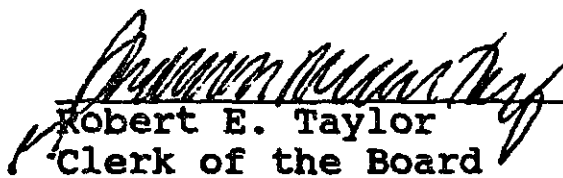
The appellants, former Air Traffic Controller Specialists at the agency's Chicago Air Route Traffic Control Center in Aurora, Illinois, were removed for participation in the August

¹ The remainder of the appellants and their Merit Systems Protection Board docket numbers are listed in the attached appendix.

1981 strike and/or for absence without leave at that time. They allege that they can now establish that, during the course of their Board appeals, the agency introduced altered or otherwise falsified evidence in support of its removal actions. In making this claim, the appellants rely primarily on a report by the House of Representatives' Committee on Public Works and Transportation, Subcommittee on Investigations and Oversight so finding.² The agency, in turn, has asked for an opportunity to respond to the appellants' reopening request.

The Board hereby GRANTS the agency an opportunity to respond to the appellants' reopening request. The agency must file its response with the Board within 20 days of the date of issuance of this order.

FOR THE BOARD:


Robert E. Taylor
Clerk of the Board

Washington, D.C.

² H.R. Rep. No. 101-1, 101st Cong., 1st Sess. (1989).

APPENDIX

Terry L. Anderson	CH075281F0887
Richard S. Andrews	CH075281F0890
James M. Boylan	CH075281F1057
Roy R. Bozych, Jr.	CH075281F1058
Richard J. Brandis	CH075281F1066
Dennis J. Bretall	CH075281F1073
Allan A. Broholm	CH075281F1088
Willard A. Bronger	CH075281F1090
Robert J. Budzynski	CH075281F1125
James F. Burgard	CH075281F1131
James A. Campbell	CH075281F1161
Eric R. Carlson	CH075281F1173
Gregory A. Carlson	CH075281F1174
Robert A. Carlson	CH075281F1178
Bernard D. Carroll	CH075281F1186
Timothy P. Clouser	CH075281F1243
Robert J. Collins	CH075281F1264
Brenda Conroy	CH075281F1273
Rick R. Crook	CH075281F1317
Leonard E. DeHainaut	CH075281F1360
Richard J. Delutri	CH075281F1377
Jerald W. Dennin	CH075281F1379
Raymond Dertz	CH075281F1382
Charles A. Dike	CH075281F1389

Knute R. Dresden	CH075281F1423
Jean C. Eden-Kemphues	CH075281F2028
Jeffery R. Ellis	CH075281F1465
Donald M. Erdman	CH075281F1479
Richard E. Frielink	CH075281F1586
Alexander F. Goralewski	CH075281F1664
John W. Gorman	CH075281F1670
Edgar Grabowski	CH075281F1677
Daniel J. Gron	CH075281F1704
Richard P. Grow	CH075281F1712
Richard L. Hamilton	CH075281F1743
William L. Hamilton	CH075281F1745
David W. Heeg	CH075281F1794
Alan F. Hoening	CH075281F1854
Frederick L. Hoffman	CH075281F1857
John W. Holic	CH075281F1866
Ronald D. Isben	CH075281F1913
Richard C. Karsten	CH075281F2007
Steven F. Kehe	CH075281F2017
Dwayne D. King	CH075281F2050
Michael J. King	CH075281F2053
William S. Kingery	CH075281F2054
David E. Kish	CH075281F2058
John R. Kuhlman	CH075281F2129
Thomas A. Kukla	CH075281F2130
Michael C. Lacy	CH075281F2140
Robert E. Lambrecht	CH075281F2152

Thomas E. Leckbee	CH075281F2184
Anna Lissak	CH075281F2223
Dennis Logerquist	CH075281F2232
Patrick Lydon	CH075281F2258
Ellis D. Manuel	CH075281F2289
Lloyd E. Martinez	CH075281F2306
James M. Marzalek	CH075281F2302
David D. Masson	CH075281F2309
Larry L. McGhinnes	CH075281F2344
Howard P. Morris	CH075281F2440
Betty J. Murphy	CH075281F2465
Gregory G. Nelson	CH075281F2485
James R. Nichols, Sr.	CH075281F2505
Stephen A. O'Boyle	CH075281F2529
Dennis P. O'Bremski	CH075281F2545
Joseph A. O'Brien	CH075281F2530
Dennis D. O'Connor	CH075281F2535
Donel O'Grady	CH075281F2538
Jay G. Olson	CH075281F2554
Michael G. Parr	CH075281F2580
John A. Pearson	CH075281F2604
Peter J. Piorkowski	CH075281F2643
Kenneth J. Popowitch	CH075281F2660
Wayne L. Preston	CH075281F2669
Rudolph C. Radnoff	CH075281F2688
Leland E. Rasmussen	CH075281F2694
Donald A. Ring	CH075281F2748

George Ristoff	CH075281F2750
Roy E. Robb	CH075281F2757
Bobby G. Roberts	CH075281F2758
William F. Roller	CH075281F2783
Darryl Romashko	CH075281F2786
Stanley A. Rudd	CH075281F2808
Edwin F. Ruppert	CH075281F2811
Charles R. Salvaggione	CH075281F3361
Charles M. Sanborn, Jr.	CH075281F2828
John D. Schmitt	CH075281F2865
Don A. Schuemann	CH075281F2883
Ronnie R. Scott	CH075281F2902
Jack B. Schaul	CH075281F2928
William H. Siebold	CH075281F2908
Cyril F. Snow	CH075281F2985
Ronald M. Sonkin	CH075281F2991
Daniel C. Staffin	CH075281F3008
Roy W. Sternberg	CH075281F3029
Joseph A. Stupec	CH075281F3058
John L. Sumner	CH075281F3063
Howard Taggart	CH075281F3078
Terry L. Thalman	CH075281F3363
Henry F. Theodore	CH075281F3102
Thomas A. Toepfer	CH075281F3127
Norman E. Tracy	CH075281F3141
Albert A. Veverka	CH075281F3182
John C. Vogel	CH075281F3188

Frederic H. Vogelpohl	CH075281F3190
Robert H. Voss	CH075281F3196
Patrick D. West	CH075281F3256
Charles L. Wethern	CH075281F3258
Albert R. Wickham	CH075281F3271
Randall Willer	CH075281F3285
James E. Wilson	CH075281F3294
Max J. Winz	CH075281F3305
Walter Wolny	CH075281F3312