



**Public Service Staff
Relations Act**

**Before the Public Service
Staff Relations Board**

BETWEEN

SHELDON R. POST

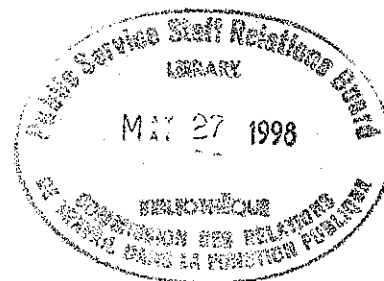
Grievor

and

**TREASURY BOARD
(Transport Canada)**

Employer

Before: Y. Tarte, Chairperson



Decided without an oral hearing

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DECISION

These references to adjudication were filed with the Board on December 4, 1995 by the Canadian Air Traffic Control Association, the bargaining agent, on behalf of the grievor, Mr. Sheldon R. Post. These grievances concerned a termination of employment.

These matters were scheduled for hearing on April 23 to 26, 1996 in Calgary, Alberta. On April 4, 1996, the bargaining agent requested a postponement on the grounds that the parties wished to pursue discussions with respect to a possible settlement. The employer did not object with the request. Consequently, the request for a postponement was granted.

These matters were then re-scheduled for August 27 to 30, 1996 in Calgary. On July 12, 1996, the employer requested a postponement until September 10, 1996. The bargaining agent did not object with the request. Consequently, the matters were re-scheduled for September 10 to 12, 1996 in Calgary. On August 30, 1996, the bargaining agent requested a postponement on the grounds that the Canadian Air Traffic Control Association, Transport Canada and NAV Canada continue their settlement discussions. The employer did not object with the request. Again, the request for a postponement was granted.

On November 7, 1996, the bargaining agent informed the Board that they had reached a tentative settlement in these matters. The matters were held in abeyance pending the finalization of the settlement. On February 26, 1998, the bargaining agent advised that a settlement had been reached in these matters but that Mr. Post had not supplied a written authorization to withdraw his references from adjudication. The bargaining agent advised the Board that they were no longer representing the grievor and provided the Board with the last known address of the grievor.

The Board wrote to the grievor on February 27, 1998 advising him that the bargaining agent was no longer representing him in these matters and requested an update as to the status of his references to adjudication by no later than March 12, 1998. The letter was returned to the Board marked: "Unknown at address".

Since no response to the February 27th letter was received, the Board wrote to Mr. Post on March 18, 1998, again requesting an update as to the status of his references to adjudication and requested his new address by no later than April 6, 1998. The letter was returned to the Board marked: "Unclaimed".

Finally, a letter dated April 8, 1998 was forwarded to Mr. Post advising him that failure to respond by April 24, 1998 would result in the termination of the proceedings and the closing of his files. This letter was returned to the Board by the postmaster with the following inscription: "The customer saw the item and then refused to accept. He wouldn't sign to say he refused it. Therefore, it was returned unclaimed".

Under these circumstances, I am satisfied that the grievor does not wish to pursue his grievances. Accordingly, I direct that the proceedings be terminated and that the files be closed.

**Y. Tarte
Chairperson**

OTTAWA, May 15, 1998.