

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

JOHN RICHARD McELREA

Grievor

and

**TREASURY BOARD
(Industry Canada)**

Employer

Before: [Jean Charles Cloutier, Board Member](#)

For the Grievor: [Pascale-Sonia Roy, Counsel, and
Lyette Babin, Professional Institute of the Public Service
of Canada](#)

For the Employer: [Kathryn A. Hucal, Counsel](#)

Heard at Ottawa, Ontario,
March 23 to 26; and September 8, 1998; January 11 and 12; February 4 and 5;
March 2, 9 and 10; April 13 to 15; and June 1, 1999

DECISION

Mr. Rick McElrea, a Senior Trade Officer at the CO-3 classification level in the Industry Sector at Industry Canada, in Ottawa, Ontario, is grieving a ten-day suspension without pay.

The hearing in this case has been somewhat difficult from the outset and has involved a great deal of procedural wrangling between counsel. On February 5, 1999, counsel for the grievor presented a motion for my recusal from the case. The motion was opposed by counsel for the employer. On February 11, 1999, I issued an interim decision dismissing the motion. The hearing then resumed on the dates scheduled.

At the beginning of the hearing (continuation) on June 1, 1999, counsel for the employer put forward the position that, even though there are no legal grounds that would require me to remove myself from this case, it would, in the circumstances, be in the interest of all parties if I were to do so. Counsel for the grievor supported that position.

I have carefully considered the position put forward by counsel for the employer this morning and agree that there are no valid legal reasons for me to recuse myself of this case. As such, I am quite prepared to continue with the hearing. However, I am nevertheless mindful that both parties now agree that, in the circumstances, it would be in the interest of all concerned if I did not proceed with this case.

Accordingly, in light of the special circumstances that have developed, I hereby remove myself from this case.

**Jean Charles Cloutier,
Board Member**

OTTAWA, June 1, 1999.