

ANITA BANKS, et al. v. U.S. Government Accountability Office

Docket Nos. 12-03; 12-04; 12-05

Date Issued: November 15, 2012

Cite as: Banks, et al. v. GAO, Docket No. 12-02 (11/15/12)

Before: Robert F. Hermann, Administrative Judge

Headnotes:

Non-selection

Prohibited Personnel Practice

Remedies

Selection Process

ORDER

**PERSONNEL APPEALS BOARD
U.S. GOVERNMENT ACCOUNTABILITY OFFICE
WASHINGTON, D.C.**

<u>ANITA BANKS,</u>)	
Petitioner)	
v.)	Docket No. 12-03
<u>UNITED STATES GOVERNMENT</u>)	
ACCOUNTABILITY OFFICE,)	
Respondent)	
<u>REGINA PARKS,</u>)	
Petitioner)	
v.)	Docket No. 12-04
<u>UNITED STATES GOVERNMENT</u>)	
ACCOUNTABILITY OFFICE,)	
Respondent)	
<u>REGINA SMITH,</u>)	
Petitioner)	
v.)	Docket No. 12-05
<u>UNITED STATES GOVERNMENT</u>)	
ACCOUNTABILITY OFFICE,)	
Respondent)	<u>November 15, 2012</u>

STATUS CONFERENCE REPORT
AND
CONSOLIDATION ORDER

A telephone status conference was conducted in the above matter on Thursday, November 15, 2012. Petitioners were represented by Senior Trial Attorney Brian Nuterangelo, PAB Office of General Counsel. The Agency was represented by Assistant General Counsel John Bielec.

During the conference, it was determined that GAO will proceed to undertake and complete the reconstruction of the selection process here at issue as quickly as possible, following the provisions of Order 2335.6 (Dec. 1, 2004). The purpose of the reconstruction is to

determine what would have happened if the Agency had followed the provisions of the Order in conducting the selections at issue.

As to ongoing discovery, GAO stated that it expects to produce responses to written discovery by the end of this week. The parties will complete written discovery to the extent possible while the reconstruction process moves forward; however, depositions will be postponed until after the reconstruction is completed.

The Agency agreed to notify the Board by Wednesday, November 28, 2012 as to the likely completion date for the reconstruction process. The parties will also notify the Board by that date whether they would like to utilize the Board's mediation process to resolve this matter. If there is a need for further discovery, including depositions, after the reconstruction process, a further schedule will be set at that time.

In accordance with the Decision of October 15, 2012, these matters are being consolidated for further processing in the interest of efficiency of Board resources.

SO ORDERED.

Date: 11-15-12



Robert F. Hermann
Administrative Judge