

ARTHUR L. DAVIS v. U.S. General Accounting Office

Docket No. 01-04

Date Issued: August 24, 2001

Cite as: Davis v. GAO, Docket No. 01-04 (8/24/01)

Before: Jeffrey S. Gulin, Administrative Judge

Headnotes:

Discovery

Motion to Compel

ORDER

Council on Civil Rights and/or the Petitioner by name, title or affiliation or refer to him, directly or by implication, for the period January 1, 1999 through October 22, 1999.

Request No. 8.

Identify all formal or informal groups or boards that purport to decide civil rights questions or policy at the GAO. Identify and describe how the previous committee of GAO employee elected civil rights representatives was replaced by the CG appointed board or committee and the group or person making that change in GAO policy and procedure.

Denied. The answer provided by the Agency is responsive. If Petitioner disagrees with the Response, he is free to challenge it at the hearing on the merits and/or request sanctions at that time.

Request No. 9.

Identify the Executive Resources Board (ERB). Please explain what this Board does. What is its function? How long has it been in existence? Who serves on this Board? What part in the decisions regarding termination of the existence of the employee elected civil rights committed(sic) did the ERB play? If none, please describe why not. Please provide a list of past members of this Board? What were their roles? Please provide all minutes from the Board meetings. What have been the Board's major accomplishments? Were they implemented? If so, what were the results? If not, what were the reason(s) why weren't they? Are GAO employees aware of this Board? If not, why not? Please identify where in the budget or budgeting process at GAO the executive resources are budgeted and also identify what records are kept of ERB and staff of the ERB expenditures of government funds.

Denied. Petitioner has not made a showing that Request No. 9 is reasonably calculated to lead to relevant, admissible evidence.

Request No. 12.

Please identify any communiqués including E-mails to or from John Luke to any GAO official(s) and or employee where Arthur Davis is discussed regardless of the nature of the subject matter.

Granted in part; denied in part. This request is overly broad. However, Respondent shall produce on or before September 10, 2001 all non-privileged documents, including e-mails

and notes of oral communications, not already produced, to or from John Luke that mention Petitioner by name, title or affiliation, or refer to him directly or by implication, for the period January 1, 1999 through October 22, 1999.

Request No. 13.

Identify each and every system at GAO and each document thereof, whether manually (sic) or electronic, oral or written, formal or informal, where the GAO or some contractor thereto or other person, maintains a register, list or other record of GAO employees who are controversial (i.e. establishment of collective bargaining of GAO employees, civil rights complaints or petitioners, or for any other reason)? If so, please identify such records or document and any comments made about these employees so identified.

Denied. The answer is responsive. If Petitioner disagrees with the response, he can challenge it at the hearing on the merits and/or request sanctions at that time.

SO ORDERED.

Date: 8-24-01


Jeffrey S. Gulin
Administrative Judge