

# Department of Veterans Affairs

# Memorandum

**Date:** December 14, 2022

**From:** Chief of Psychology

**Subj:** 3<sup>rd</sup> Step Grievance – [REDACTED] Debt

**To:** Aimee Potter, Vice President, AFGE Local 789, and Maruwa Ferrell, AFGE Representative

1. On November 18, 2022, the Union filed a Step 3 grievance with me, Alexander Schut, PhD., ABPP, on behalf of [REDACTED]
2. On November 29, 2022, the parties met at Step 3 to discuss resolution of the grievance. In attendance were Aimee Potter, AFGE representative, Maruwa Ferrell, AFGE Representative, [REDACTED], Nicholas Peluso, Office of General Counsel, Herman Bingham, HR Specialist (ER/LR), and me. At our meeting, the Union requested no additional documentation. As this is a non-disciplinary grievance, the Union bears the burden to prove its claims.
3. The issues presented by the Union are as follows:
  - Issue 1: Did a VA violation of the Agreement at Article 36 cause the October 2022, garnishment of Grievant's wages, and if so, what shall the remedy be?
  - Issue 2: Did the VA fail to comply with its Financial Policy, Volume XII Chapter 3, Section 030503, and if so, what shall the remedy be?
4. Regarding Issue 1: Pursuant to Article 43.7.B at Note 5, the Union initiated this grievance at Step 3. Pursuant to Note 5, the 30-day time limit of Step 1 applies here. Although the garnishment is not disputed and falls within the 30-day contractual time limit, the Union withholds from the Agency the date of the alleged violation of Article 36 and its specific provision. Therefore, by not specifying both a provision and date, the Union prohibits the Agency from knowing what incident to respond to.
5. Regarding Issue 2: The Union does not specify a date of non-compliance. As such, the Union prohibits the Agency from knowing what incident to respond to.
6. As a remedy, the Union requested the Grievant be made whole in every way, including all other applicable sections of the contract, laws, or regulations, any attorney and or legal fees/expenses and any other remedy an arbitrator deems appropriate.
7. On December 7, 2022, the Union granted an extension to the Agency until December 20, 2022, for its Step 3 Response. On December 9, Mark Hollander, Fiscal DFO, VHA verified [REDACTED] would receive \$492.80 in PP 12/03/2022, and \$1,347.47 in PP 12/17/2022, for a total refund of \$1,840.27. This constitutes a full repayment of any funds withheld.
8. Therefore, the Agency contends the requested remedy is fulfilled, as the Union offered no itemization of a further remedy for the Agency to respond to.
9. For the reasons given above, this grievance is SETTLED.

ALEXANDER  
SCHUT

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ALEXANDER SCHUT  
Date: 2022.12.14 14:25:04  
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Alexander Schut, Ph.D., ABPP, MHA