

107 LRP 24131

**American Federation of Government
Employees, Council of Prison Locals,
Local 4052 and U.S. Department of
Justice, Federal Bureau of Prisons MDC,
Guaynabo, P.R.**

Federal Arbitration

0-AR-4228

FMCS02-12276

March 21, 2007

Judge / Administrative Officer

Helfeld, David M.

Full Text

Opinion

The Agency's Final Argument Concerning Damages rests on two contentions: first, that the award of the arbitrator of non-pecuniary damages for mental suffering conflicts with legal principle and lacks evidentiary support and, second, that the Union has failed to meet the burden of proof on all other damage claims in the evidence which it has presented in response to the arbitrator's requirements in the Third Award.

Damages for Mental Suffering

The argument denying legal validity to the award for mental suffering is presented in these terms:

The Agency maintains that this award is in violation of legal standards. As indicated in previous submissions, emotional pain and suffering may only be awarded for actual harm under a disparate treatment claim. There has been no finding of actual harm to all grievants in this case. Also emotional pain and suffering damages are not available in disparate impact claims.

This argument was considered and rejected in the Third Award. In light of the factual record the grievances in this case most appropriately qualify as a case of intentional invidious discrimination. As stressed in the Third Award, for a number of years

prior to the filing of the grievance in March of 2002, the Union in discussions with Agency officials repeatedly claimed the right of its members not to be discriminated against with respect to the benefits of Home Leave and access to the PX and DoD schooling. From the continuance of the discriminatory practices, it is fair to assume that invidious discrimination was intended.¹¹⁵

In the words of the Civil Rights Act, the Agency "engaged in unlawful intentional discrimination" and "the complaining party may recover compensatory and punitive damages ..."¹¹⁶ The Act also speaks of the right of a complaining party to recover punitive damages if the respondent has engaged in discriminatory practices "with reckless indifference to the federally protected rights of an aggrieved individual."¹¹⁷ It is recognized that punitive damages may not be recovered against a government agency, but in the case of intentional discrimination, compensatory damages, including damages for mental suffering, are entirely appropriate remedies under the Civil Rights Act of 1964, especially so, if as in this case the Agency has acted "with reckless indifference to the federally protected rights" of the grievants. There is also specific language to that effect in Section e-5(g) of 42 U.S.C.A. 2000: "If the court finds that the respondent has intentionally engaged in...an unlawful employment practice...the court...may order such affirmative action as may be appropriate ..." Finally, note should be taken of Section e-16(e):

Nothing in this Act shall relieve any Government agency or official of its primary responsibility to assure non discrimination in employment as required by the Constitution and statutes or of its responsibilities under Executive Order 11478 relating to equal employment in the Federal Government.

The Agency's final argument simply fails to face up to the factual record which establishes that officials of MDC knowingly and intentionally violated provisions of the Master Agreement related to employment practices, and in so acting violated Title VII of the Civil Rights Act of 1964 and, as well, the equal protection and due process guarantees of the

Fifth Amendment to the Constitution.

Similarly the Agency is incorrect when it states that "There has been no finding of actual harm to all grievants in this case." In the Third Opinion there is an extensive analysis of how and why the Agency's discriminatory practices harmed all grievants, not simply the nine who testified with respect to their personal experience.¹¹⁸ The nine constituted a representative sample for the class as a whole. As explained in the Third Opinion, the alternative to treating this case as a class suite would have meant an evidentiary individual hearing for each of the more than two hundred employees who make up the class of grievants in this case. As arbitrator, it was my determination that it was both fair and practical to treat this case as a class suite, rather than to require individual hearings for every grievant, a course of action which would have required months of hearings. The harm to which the nine grievants testified, it is fair to conclude, is representative in nature and is descriptive generally of the damages suffered by all the grievants who make up the class in this case.

Questions of Proof

Turning to the question of whether the Union has satisfied the burden of proof to substantiate its damage claims, the Agency argues that it has not:

The Union's latest submission did not correct the deficiencies of their previous filings. Again, the lists of claimants need to be supported by a foundation, that showed an entitlement to damages by a preponderance of the evidence. Currently, these are just lists of names with no foundation as to why an individual is included.

I find the Agency's argument on the failure of the Union to prove its case to be unpersuasive for a number of reasons. First, with respect to the arbitrator's instructions to provide documentary evidence for all out of pocket expenses incurred by grievants whose children were denied access to DoD schooling, for the time period stipulated in the Third Award, the Union complied with my instructions and fully satisfied its burden of proof. That conclusion

was reached after having reviewed the numerous documents which were submitted to back up Table AE which contains the list of grievants who suffered monetary damages for the denial to their children of access to DoD schooling. The Agency's only objection to the documentary evidence is that it should have been submitted earlier in the case. The Agency had a reasonable opportunity to question the reliability of the data contained in the documents, but has failed to do so. To uphold the Agency's objection on grounds of lateness would be, in my judgment, simply unjust. Accordingly, Table AE will be incorporated in the Award in this case and will be attached as an Appendix to the Award.

Second, nor are the Agency's objections to Table AF well taken. Table AF contains a list of grievants entitled to receive \$10,000 a year, for a possible maximum of five years which was prepared and submitted by the Union in compliance with the instructions in the Third Award. The Agency had a reasonable opportunity to check the names on the list to determine whether any error had been committed: was there anyone included in the list who did not qualify as an employee harmed by mental suffering or who was claiming compensation for an incorrect number of years? It failed to do so, restricting its objections to whether the arbitrator had decided correctly the legal merits of grievants' claim for damages for mental suffering. The Agency's argument on that question was rejected in the opening part of the Opinion. Hence, Table AF¹¹⁹ is accepted as a correct list of grievants who are entitled compensation for mental suffering, in the amounts assigned to their names, is incorporated in the Award and will be attached as Appendix AF.

Third, the reasoning for accepting the grievants' claims for damages for mental suffering applies with like effect to the claims for compensatory damages for denial of PX privileges. The Union followed instructions in the Third Award and reduced compensation to be paid in light of the revised criteria. The Agency had the opportunity to question the amounts to be paid, or the number of years in each

case, in accordance with the criteria adopted by the arbitrator, but failed to make any such objections. Hence, Table AD¹²⁰ which lists the grievants individually and the number of years, up to a maximum of five years, is accepted as correct, is incorporated in the Award and will be attached as Appendix AD. In its Final Argument, the Agency reiterates its objection to the reliability of the study of comparative prices on which the claim for damages rests for denial of access to the PX. Its objection was in part upheld in the Third Opinion and Award and resulted in a downward revision of what would constitute compensatory damages. The arbitrator's reasoning in support of that result is herewith reconfirmed.¹²¹

On the question of the claims of qualified grievants to be compensated for unpaid Home Leave benefits, this is the Union's position:

Table E-1 is now replaced with Table -- AA which provides the names of sixty (60) employees who have been wrongfully denied home leave in accordance with the statute and the employees' contractual and legal rights. The table includes the name of the bargaining unit employee, the number of years to which he or she is entitled to the benefit, with a maximum of five (5) years beginning in October of 2001. In addition, the table provides each claimant's place of residence prior to reporting to MDC and when he or she reported to MDC in response to the arbitrator's request of all the necessary data confirming the claimant's right to home leave as legally determined in the prior section of his opinion. The Union submitted unsworn statements in lieu of testimony regarding this matter in which the affected employees had made their claims to their right to home leave. Furthermore, the Agency will be granted the opportunity to challenge the accuracy of any employee claim through the official records maintained by the Agency.

The Union has made a similar statement in support of the claims of employees who have transferred to other institutions and who are included in Table AB and nine former MDC employees, no

longer employed by BOP, who claim unpaid Home Leave benefits and who are included in Table AC.

The Agency's position is that all the claims for Home Leave benefits should be denied for lack of evidentiary support:

these are just lists of names with no foundation as to why an individual is included. As indicated in previous submissions, the record contains evidence that the Union is claiming home leave for staff that clearly do not qualify for it. Transfer to or from MDC Guaynabo, by itself, does not create an entitlement to home leave.

As the Union has failed to meet their burden of proof concerning home leave, no relief on this basis should be awarded.

The Agency's objections to the Union's three tables on Home Leave entitlement are denied for three reasons. First, at no time in the course of this case has the Agency sought to explain why it has been awarding home leave benefits to some employees, but not to others employed under equal circumstances, which in the case of the latter resulted in the violation of their rights guaranteed by the equality provisions of the Master Agreement, Title VII of the Civil Rights Act of 1964 and the equality and due process principles of the Constitution.¹²² Second, it is the Union's position, which has been upheld by the arbitrator, that the criteria which should govern the dispensation of Home Leave should be the applicable statute and not the regulation which delegates to the Warden unfettered discretion whether or not to grant Home Leave benefits. As found in the Third Opinion, unfettered discretion has in fact led to benefit decisions which violate the equal protection of the laws and due process of law. Hence it is the applicable statute which should be implemented and with an even hand.

Third, the Agency has failed to follow the procedure which was adopted in the Third Award. The Agency was given 30 days "to review and to object to the newly constituted table of damages", the parties were instructed to confer over any differences

and, in the event of unresolved differences, the parties were instructed to "submit to the arbitrator briefs setting out their respective positions, for final decision by the arbitrator." It is evident that the Agency has chosen to rest its case on what it holds to be the correct position on the legal merits and, therefore, has refused to use its records and its understanding of the legal principles governing Home Leave benefits, to refute the claims of the grievants in this case. It is equally evident that the Agency expects to vindicate its position on appeal. In effect, it has opted to take itself out of the arbitration process prior to the close of this arbitration proceeding. What should be the consequences of the Agency's conduct? As the arbitrator I am duty bound to follow my best judgment on how to rule on the Agency's failure to follow the instructions in the Third Award. In my judgment, by refusing to follow the instructions in the Third Award, the Agency has waived its right to challenge the validity and accuracy of grievants' Home Leave claims.

Accordingly, the lists in Tables AA, AB and AC are accepted as representing the names of employees of MDC, as well as former employees, presently employed at other BOP institutions, or no longer so employed, all of whom are entitled to Home Leave benefits for the number of years stipulated in the lists. The three tables are to be incorporated in the Award and will be attached as Appendices AA, AB and AC. The Agency will be instructed to process these claims on the basis of the personnel information in its records, applying the statutory criteria for calculating the amounts to be paid which should be used routinely in the processing of Home Leave benefits.¹²³

Request for Attorneys Fees

In compliance with the arbitrator's instructions, counsel for the Union submitted a detailed request for attorneys fees. The request is attached as an appendix to the Award.

For the guidance of the arbitrator, the Agency's Final Argument submitted a statement of the criteria

which must be satisfied for attorneys fees to be awarded. In particular, reference is made to the standards adopted by the Equal Employment Opportunity Commission, as set forth in 29 C.F.R., Sec. 1614.501(e)(2). In addition, the Agency cited a number of EEOC Appeals cases and a decision of the Court of Appeals for the District of Columbia.¹²⁴ In reviewing Ms. Lilliam Mendoza's petition for attorneys fees, I have taken into account the Agency's recommended guidelines. My findings follow:

1. The hourly rate claimed is supported by the sworn statements of practicing attorneys in the field. From my personal knowledge of what is being charged by attorneys in practice in the federal jurisdiction, attorney Mendoza's hourly rate is entirely reasonable for a practitioner of her experience and capacity.

2. Having reviewed the detailed breakdown of the hours spent in the period covered, from October 3, 2005 until December 21, 2006, on the variety of activities which counsel engaged in on behalf of the Union and its members, I found her account to be credible. If anything, it is on the conservative side. There was nothing to suggest that time estimates might have been inflated. The times expended seemed to be no more than necessary to adequately perform each and every one of the tasks and activities she performed.

3. The cause she undertook to represent was difficult, complex and involved a number of unexplored issues which required the services of an experienced attorney with the necessary imagination and tactical skills to translate her clients grievances into a case presentation capable of convincing the arbitrator.

4. Though attorney Mendoza did not obtain all the remedies she sought on behalf of her clients, she did convince the arbitrator on the basic question of whether the Agency had committed discriminatory employment practices in violation of the Master Agreement and Title VII of the Civil Rights Act of 1964. With respect to the remedial outcome of the case, she did win for her clients a substantial

proportion of the damages which she claimed on their behalf.

On the basis of the findings and reasons set forth in the above four paragraphs, it is fair to conclude that attorney Mendoza's petition for attorneys fees should be granted. The amount claimed in her petition therefore will be included as one of the components of the Award.

Award

To the instructions in paragraphs 5 and 6 in the Third Award, there are added in the present award the following instructions related to the claims for damages and attorneys fees in this case:

1. The Agency will compensate the employees named in Table AE the amounts claimed for expenses incurred for want of access of their children to DoD schooling. This table is incorporated in the award and is attached as Appendix AE.

2. The Agency will compensate the employees named in Table AF the amounts to which each employee is entitled for the mental suffering caused by the discriminatory practices of the Agency. This table is incorporated in the award and is attached as Appendix AF.

3. The Agency will compensate the employees in Table AD the amount to which each employee is entitled for damages incurred for want of access to PX privileges. This table is incorporated in the award and is attached as Appendix AD.

4. Tables AA, AB and AC include lists of employees, presently employed at MDC, past employees presently employed at BOP institutions outside Puerto Rico and employees no longer employed by BOP, respectively. The lists include the individual claims for Home Leave benefits which is owed for specific periods of time. The Agency will process these claims and compensate the employees named in the three lists, in accordance with the instructions set forth in the Opinion. The three tables are incorporated in the award and are attached as Appendices A A, AB and AC.

5. The Agency will pay attorney Lilliam E. Mendoza Toro attorneys fees in the amount of \$14,875.

6. The compensation payments ordered in paragraphs 1 through 5 of this award for damages incurred by the grievants, will be paid in timely fashion, within sixty days from the date of receipt of this award.

7. The arbitrator retains jurisdiction to resolve disputes which may occur between the parties related to the implementation of the terms of paragraphs 5 and 6 in the Third Award and paragraphs 1 through 6 in the present award.

¹¹⁴The pagination and footnotes are a continuation of the Initial, Second and Third Opinions and Awards.

¹¹⁵See Third Opinion, page 49.

¹¹⁶The full text of 42 U.S.C.A., section 1981a(1), reads as follows: "In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C.A. sections 2000e-5 or 2000e-16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704 or 717 of the Act [42 U.S.C.A. sections 2000e-2, 2000e-3 or 2000e-16], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover compensatory and punitive damages as allowed in section (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent."

¹¹⁷*Id.*, Section 1981b(1).

¹¹⁸See Third Opinion, pages 56-59.

¹¹⁹There is confusion about the Table Heading. It reads: "Table AF", but in a note at the close of the table a reference is made to Table AD. For purposes of the Opinion and Award, this table will be referred to as "Table AF".

¹²⁰As in the prior table, there is confusion about

the Table Heading. For purposes of the Opinion and Award, this table will be referred to as Table AD.

¹²¹See Third Opinion, pages 41-44.

¹²²For examples of violations committed by the Agency for which no explanation has been forthcoming, see Third Opinion, pages 36-39.

¹²³For the process to be followed, see Third Opinion, page 37 and the Initial Opinion, pages 8-11.

¹²⁴*National Ass'n of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319, 1327 (1982).

Appendices

1. Appendix AE: Damages Incurred for Want of Access to DoD Schooling

2. Appendix AF: Damages for Mental Suffering Caused by the Agency's Discriminatory Practices

3. Appendix AD: Damages Incurred for Want of Access to PX Privileges

4. Appendix AA: Damages Caused by the Denial of Home Leave Benefits (Employees Presently Employed at MDC)

5. Appendix AB: Damages Caused by the Denial of Home Leave Benefits (Former MDC Employees now employed at other BOP Institutions)

6. Appendix AC: Damages Caused, by the Denial of Home Leave Benefits (Former MDC Employee Retired or No Longer Employed by BOP)

7. Appendix AF: Union Attorney's Request for Attorneys Fees

Note: Each of the first six appendices incorporates the claims listed in tables with the same lettering in their respective titles.

Table AE

Name Last, First Total out of pocket expenses
 Acevedo, Luis A. Acevedo, Luis G. Adan, Angel L. Adan, Ruth \$6,125.00 Aguiar Lopez, Martin Alonso, Primo \$13,435.00 Alvarado, Ivette \$9,725.00 Aponte, Salvador Arana, Tomas E. \$7,745.01 Ayala Diaz, Edwin F. Bax (Rodriguez), Lysette Blanco, Fernando Brito, Orlando Burgos, Mei-Ling Cadiz, Edgardo Caminero, Luis A. \$9,374.00 Carrasquillo, Luis

Castro, Marilyn \$11,202.00 Cestero, Javier Chabrier, Yvette \$8,740.00 Colon, Victor \$8,025.00 Colon, Efrain Colon, Reinaldo \$14,231.00 Colon, Carlos \$35,050.00 Colon, Giovanni Cortes, Alfredo \$6,414.13 Cosme, Jose G. Crespo Jr., Jose \$6,900.21 De Leon, Ray \$9,000.00 De Jesus, Juan A. Delgado, Carlos \$3,110.00 Delgado, Orlando Dessus, Melvin \$8,331.00 Diaz, Maria T. \$8,814.00 Diaz, Juan S. Diaz-Fina, Elle Donis, Juan Estela, Mike Fermin, Jorge Fernandini, Lorenzo Figueroa, Ibraim \$16,757.00 Flores, Hermes Garcia-Serrano, Luis Garcia, Jose J. Garcia, Melissa \$15,450.00 Garcia, Oswaldo \$2,919.00 Gayle, Gabriel E. \$4,864.00 Gomez, Richard Gonzalez, Angel \$10,252.25 Gotay, Glidden \$7,534.00 Guilloti, Pedro Gutierrez, Juan \$35,334.92 Guzman, Dynia \$5,485.00 Guzman, Roberto \$37,181.25 Hernandez, Findel Hernandez, Jesus M. Hernandez, Jose Hernandez, Mark \$14,992.00 Hernandez, Nelson J. \$916.90 Irizarry, Jose L. Laborde, Natalia Layer, Ashmirna Lopez, Antonio Lopez, Ariel \$6,330.00 Lugo, Eric \$12,050.00 Maldonado, David \$11,056.72 Maldonado, Julio \$3,000.00 Maldonado, Julio E. \$15,290.77 Maldonado, William Marrero, Sheila Martinez, Adalberto \$10,885.00 Martinez, Luis Martin, James Massanet, Jose \$10,480.00 Meaux, Mariano Mendez, Deusdedy Mendez, Evelyn \$15,941.00 Merced, Carlos F. \$13,987.95 Molina, Jose A. \$5,756.00 Morales, Edgardo H. \$12,200.00 Morales, Rafael Nunez, Israel \$7,815.00 Ocasio, Laureano Orozco, Dennis Ortiz, Anibal Ortiz, Elliot Ortiz, Jose I. \$8,931.50 Ortiz, Sigfredo Padilla, Jose \$17,174.30 Pares, Roberto \$2,269.00 Pedrosa, Wilfredo Pena, Pedro Perez, Aixa \$6,810.00 Pitre, Edwin \$10,735.33 Plaud, Ricardo \$12,300.00 Quinones, Harry Quintero, Juan Ramirez, Gerardo Ramos, Marcel \$19,589.94 Ramos, Pedro L. Reyes, Jose Rios, Jaime Rivera-Acevedo, Sergio Rivera-Bracero, Carlos Rivera-Cosme, Sergio Rivera-Diaz, Roberto \$5,025.00 Rivera, Edgar Rodriguez, Deyne, Raul Rodriguez, Dennis Rodriguez, Edwin \$20,320.00 Rodriguez, Juan \$1,531.25 Rodriguez, Luis O. Rodriguez, Maria A.

\$1,815.00 Rodriguez, Martin Rodriguez, Ramon E. Rodriguez, William Roldan, Yamil Romero, Sandra Rondon, Hector F. Roque, Carlos Salazar, Ramon \$9,675.00 Santiago, Alexander Santiago, Jorge Santos, Wanda Soto, Edwin \$7,305.00 Stuart, Edith \$22,160.96 Suarez, Joel D. \$7,161.64 Tirado, Roberto Tomas, Jose \$8,792.00 Torres-Diaz, Carlos \$12,330.00 Torres, Manuel Torres, Ricardo Vega, David \$3,775.63 Vega, Roberto Velazquez, Nelson Velez, Norman Velez, Pedro Vidro, Miguel \$6,666.00 Viera, Luis

Total Out of Pocket Costs: A list of grievants who have suffered out-of-pocket costs for the education of their children, incurred at private and religious educational institutions, during the three year period 2001-2004. Documentary proof, either receipts or statements by school administrators are also attached.

Table AF

Name Last, First Years Affected Total Non-Pecuniary Damages (\$) Acevedo, Luis A. 5 50,000.00 Acevedo, Luis G. 5 50,000.00 Adan, Angel L. 5 50,000.00 Adan, Ruth M. 1 10,000.00 Aguiar Lopez, Martin 5 50,000.00 Albarati, Osvaldo O. 4 40,000.00 Algarin, Carlos M. 4 40,000.00 Alicea, John 2 20,000.00 Alonso, Primo 5 50,000.00 Alvarado, Luis 1 10,000.00 Andujar, Josue 1 10,000.00 Aponte, Salvador 5 50,000.00 Arana, Tomas E. 5 50,000.00 Arce, Jacqueline 3 30,000.00 Astacio, Agustin 4 40,000.00 Avilis, Robert 5 50,000.00 Ayala Diaz, Edwin F. 5 50,000.00 Barreto, Jorge 3 30,000.00 Barros, Carlos 3 30,000.00 Batista, Haydee 5 50,000.00 Batista, Nayda 5 50,000.00 Batiz, Luis A. 1 10,000.00 Bax (Rodriguez), Lysette 5 50,000.00 Berdecia, Arturo 5 50,000.00 Betancourt, Angel L. 1 10,000.00 Blanco, Fernando 5 50,000.00 Bonilla, Angel L. 4 40,000.00 Brignoni, Edwin 1 10,000.00 Brito, Orlando 2 20,000.00 Burgos, Mei-Ling 5 50,000.00 Caban, Alex 1 10,000.00 Cadiz, Edgardo 5 50,000.00 Caminero, Luis A. 5 50,000.00 Canales, Juan R. 5 50,000.00 Cardona, Cristobal 5 50,000.00 Cardona, Hector 5 50,000.00 Carrasquillo, Luis 2 20,000.00 Castro, Marilyn 5 50,000.00 Cestero, Javier

3 30,000.00 Chabrier, Yvette 4 40,000.00 Cintron, Juan E. 5 50,000.00 Claudio, Elliot 1 10,000.00 Colon, Victor 5 50,000.00 Conlon, Efrain 5 50,000.00 Colon, Reinaldo 5 50,000.00 Colon, Carlos 5 50,000.00 Colon, Eric 5 50,000.00 Colon, Francisco 5 50,000.00 Colon, Giovanni 2 20,000.00 Correa, Jose 5 50,000.00 Cortes, Alfredo 5 50,000.00 Cosme, Jose G. 5 50,000.00 Crespo, Jr., Jose 5 50,000.00 Cruz, Carlos 1 10,000.00 De Leon, Abraham 4 40,000.00 De Leon, Ray 4 40,000.00 De Jesus, Juan A. 5 50,000.00 Delgado, Carlos 5 50,000.00 Dessus, Melvin 4 40,000.00 Diaz, Maria T. 5 50,000.00 Diaz, Juan S. 5 50,000.00 Diaz-Fina, Elle 3 30,000.00 Donis, Juan 5 50,000.00 Estela, Mike 3 30,000.00 Espada, Angel G. 1 10,000.00 Fermin, Jorge 5 50,000.00 Fernandini, Lorenzo 5 50,000.00 Figueroa, Ibraim 5 50,000.00 Flores, Hermes 4 40,000.00 Fortier, Pedro J. 4 40,000.00 Garcia, Cesar J. 5 50,000.00 Garcia-Ayala, Mercedes 5 50,000.00 Garcia-Padilla, Wallys 5 50,000.00 Garcia-Serrano, Luis 5 50,000.00 Garcia, Jose 5 50,000.00 Garcia, Jose J. 5 50,000.00 Garcia, Melissa 5 50,000.00 Garcia, Oswaldo 5 50,000.00 Gayle, Gabriel E. 5 50,000.00 Gomez, Eliezer 5 50,000.00 Gomez, Richard 4 40,000.00 Gonzalez, Angel 5 50,000.00 Gonzalez, Judith 2 20,000.00 Gonzalez, Magaly 4 40,000.00 Gotay, Glidden 5 50,000.00 Guilloti, Pedro 5 50,000.00 Gutierrez, Diana 4 40,000.00 Gutierrez, Juan 5 50,000.00 Guzman, Juan 5 50,000.00 Guzman, Dynia 5 50,000.00 Guzman, Roberto 4 40,000.00 Hernandez, Findel 5 50,000.00 Hernandez, Jesus M. 5 50,000.00 Hernandez, Jose 5 50,000.00 Hernandez, Mark 1 10,000.00 Hernandez, Nelson J. 5 50,000.00 Howard, Lewis 2 20,000.00 Irizarry, Jose L. 5 50,000.00 Kerkado, Jose A. 5 50,000.00 Laborde, Natalia 5 50,000.00 Laboy, Marisol 1 10,000.00 Laureano, David 5 50,000.00 Layer, Ashmirna 2 20,000.00 Lenway, Shari 5 50,000.00 Lisboa, Mariano 5 50,000.00 Lopez, Esther M. 5 50,000.00 Lopez, Antonio 5 50,000.00 Lopez, Ariel 5 50,000.00 Lopez, Edgardo J. 4 40,000.00 Lopez, Estevan R. 5 50,000.00 Lopez, Jessica 2 20,000.00 Lugo, Eric 4 40,000.00 Maisonet, Jesus M. 5 50,000.00

Maldonado, David 5 50,000.00 Maldonado, Julio E. 5 50,000.00 Maldonado, Julio C. 4 40,000.00 Maldonado, William 4 40,000.00 Marrero, Sheila 3 30,000.00 Martinez, Adalberto 5 50,000.00 Martinez, Alfredo 5 50,000.00 Martinez, Luis 1 10,000.00 Massanet, Jose 5 50,000.00 Matos, Hipolito 1 10,000.00 Meaux, Mariano 5 50,000.00 Melendez, Cesar 2 20,000.00 Mendez, Marisol 5 50,000.00 Mendez, Deusdedy 4 40,000.00 Mendez, Evelyn 5 50,000.00 Mendoza, Nelson 1 10,000.00 Mercado, Louis J. 1 10,000.00 Merced, Carlos F. 5 50,000.00 Miro, Jose A. 5 50,000.00 Molina, Orlando 5 50,000.00 Molina, Jose A. 5 50,000.00 Montero, Jorge 2 20,000.00 Morales, Edgardo H. 5 50,000.00 Morales, Rafael 5 50,000.00 Moreno, Charlie 4 40,000.00 Nieves, Everlinda 5 50,000.00 Nieves, Hipolito 5 50,000.00 Nunez, Israel 2 20,000.00 Ocasio, Laureano 5 50,000.00 Olivencia, Miguel 5 50,000.00 O'Neill, Juan 2 20,000.00 Orozco, Dennis 5 50,000.00 Ortiz, Anibal 4 40,000.00 Ortiz, Elliot 5 50,000.00 Ortiz, Jose I. 5 50,000.00 Ortiz, Ricardo 2 20,000.00 Ortiz, Roberto 3 30,000.00 Ortiz, Sigfredo 5 50,000.00 Ortiz-Aviles, Josue 1 10,000.00 Padilla, Jose 5 50,000.00 Padua, Israel 1 10,000.00 Pagan, Genoveva 2 20,000.00 Pagan, Meilyn 3 30,000.00 Pares, Roberto 5 50,000.00 Pedrosa, Vivian 5 50,000.00 Pedrosa, Wilfredo 5 50,000.00 Pena, Pedro 5 50,000.00 Perez, Aixa 5 50,000.00 Perez, Natalie 2 20,000.00 Pina, Denisse 5 50,000.00 Pitre, Edwin 5 50,000.00 Plaud, Ricardo 5 50,000.00 Quinones, Harry 4 40,000.00 Quintero, Juan 5 50,000.00 Ramirez, Gerardo 5 50,000.00 Ramirez, Ned 1 10,000.00 Ramirez, Rafael 5 50,000.00 Ramos, Lizette 5 50,000.00 Ramos, David 5 50,000.00 Ramos, Marcel 3 30,000.00 Ramos, Pedro L. 2 20,000.00 Ramos, Jose L. 1 10,000.00 Reyes, Jose 5 50,000.00 Rios, Louis O. 1 10,000.00 Rios, Jaime 5 50,000.00 Rivera-Acevedo, Sergio 5 50,000.00 Rivera-Bracero, Carlos 5 50,000.00 Rivera-Cosme, Sergio 5 50,000.00 Rivera-Diaz, Roberto 5 50,000.00 Rivera, Edgar 4 40,000.00 Rivera, Francisco 5 50,000.00 Rivera, Jorge 5 50,000.00 Rivera-Llanos, Juanita 5 50,000.00 Rivera, Steve 2 20,000.00

Rodriguez, Edwin 5 50,000.00 Rodriguez Deyne, Raul 5 50,000.00 Rodriguez Garcia, Frank 5 50,000.00 Rodriguez, Alexis 5 50,000.00 Rodriguez, Dennis 5 50,000.00 Rodriguez, Eddie 5 50,000.00 Rodriguez, Heriberto 5 50,000.00 Rodriguez, Juan 4 40,000.00 Rodriguez, Leonardo 3 30,000.00 Rodriguez, Luis O. 5 50,000.00 Rodriguez, Luis R. 5 50,000.00 Rodriguez, Maria A. 5 50,000.00 Rodriguez, Martin 5 50,000.00 Rodriguez, Miguel 1 10,000.00 Rodriguez, Ramon E. 5 50,000.00 Rodriguez, Ramon A. 5 50,000.00 Rodriguez, William 5 50,000.00 Roldan, Yamil 5 50,000.00 Roman, Henot 1 10,000.00 Romero, Sandra 5 50,000.00 Romero, Jose L. 5 50,000.00 Rondon, Hector F. 4 40,000.00 Rondon, Rafael 1 10,000.00 Roque, Carlos 5 50,000.00 Rosa, Alfredo 5 50,000.00 Salazar, Ramon 5 50,000.00 Sanchez, Benito 5 50,000.00 Santana, Victor 4 40,000.00 Santiago, Alex 1 10,000.00 Santiago, Jorge 5 50,000.00 Santos, Wanda 2 20,000.00 Santos, William 1 10,000.00 Serrano, Tommy 5 50,000.00 Soto, Edwin 5 50,000.00 Stuart, Edith 5 50,000.00 Suarez, Joel 5 50,000.00 Tarafa, Ramon 1 10,000.00 Teissonier, Luis 5 50,000.00 Tirado, Roberto 5 50,000.00 Tomas, Jose 5 50,000.00 Toro-Ayala, Migdalia 5 50,000.00 Torres-Diaz, Carlos 5 50,000.00 Torres, William A. 4 40,000.00 Torres, Manuel 4 40,000.00 Torres, Ricardo 3 30,000.00 Valentin, Katherine 2 20,000.00 Vargas, Alberto 2 20,000.00 Vazquez, Amilcar 2 20,000.00 Vega, William 5 50,000.00 Vega, Wilda 5 50,000.00 Vega, David 5 50,000.00 Vega, Roberto 5 50,000.00 Velazquez, Nelson 5 50,000.00 Velazquez, Uriel 4 40,000.00 Velez, Ivan 5 50,000.00 Velez, Norman 5 50,000.00 Velez, Pedro 2 20,000.00 Velez, Tomas A. 5 50,000.00 Vidro, Miguel 5 50,000.00 Viera, Luis 4 40,000.00 Villanueva, Javier 5 50,000.00

AD) As per the Honorable Arbitrator's order, Table AD reflects the non-pecuniary damages [missing text] years 2001-2006.

Table AD

Name Last, First Years Affected Total Compensation entitled (\$) Acevedo, Luis A. 5 13,275.00 Acevedo,

Luis G. 5 13,275.00 Adan, Angel L. 5 13,275.00
 Adan, Ruth M. 1 2,655.00 Aguiar Lopez, Martin 5
 13,275.00 Albarati, Osvaldo O. 4 10,620.00 Algarin,
 Carlos M. 4 10,620.00 Alicea, John 2 5,310.00
 Alonso, Primo 5 13,275.00 Alvarado, Ivette 3
 7,965.00 Alvarado, Luis 1 2,655.00 Andujar, Josue 1
 2,655.00 Aponte, Salvador 5 13,275.00 Arana, Tomas
 E. 5 13,275.00 Arce, Jacqueline 3 7,965.00 Astacio,
 Agustin 4 10,620.00 Aviles, Robert 5 13,275.00
 Ayala Diaz, Edwin F. 5 13,275.00 Barreto, Jorge 3
 7,965.00 Barros, Carlos 3 7,965.00 Batista, Haydee 5
 13,275.00 Batista, Nayda 5 13,275.00 Batiz, Luis A. 1
 2,655.00 Bax (Rodriguez), Lysette 5 13,275.00
 Berdecia, Arturo 5 13,275.00 Betancourt, Angel L. 1
 2,655.00 Blanco, Fernando 5 13,275.00 Bonilla,
 Angel L. 4 10,620.00 Brignoni, Edwin 1 2,655.00
 Brito, Orlando 2 5,310.00 Burgos, Mei-Ling 5
 13,275.00 Caban, Alex 1 2,655.00 Cadiz, Edgardo 5
 13,275.00 Caminero, Luis A. 5 13,275.00 Canales,
 Juan R. 5 13,275.00 Cardona, Cristobal 5 13,275.00
 Cardona, Hector 5 13,275.00 Carrasquillo, Luis 2
 5,310.00 Castro, Marily 5 13,275.00 Cestero, Javier 3
 7,965.00 Chabrier, Yvette 4 10,620.00 Cintron, Juan
 E. 5 13,275.00 Claudio, Elliot 1 2,655.00 Colon,
 Victor 5 13,275.00 Colon, Efrain 5 13,275.00 Colon,
 Reinaldo 5 13,275.00 Colon, Carlos 5 13,275.00
 Colon, Eric 5 13,275.00 Colon, Francisco 5 13,275.00
 Colon, Giovanni 2 5,310.00 Correa, Jose 5 13,275.00
 Cortes, Alfredo 5 13,275.00 Cosme, Jose G. 5
 13,275.00 Crespo Jr., Jose 5 13,275.00 Cruz, Carlos 1
 2,655.00 De Leon, Abraham 4 10,620.00 De Leon,
 Ray 4 10,620.00 De Jesus, Juan A. 5 13,275.00
 Delgado, Carlos 5 13,275.00 Dessus, Melvin 4
 10,620.00 Diaz, Maria T. 5 13,275.00 Diaz, Juan S. 5
 13,275.00 Diaz-Fina, Elle 3 7,965.00 Donis, Juan 3
 7,965.00 Estela, Mike 3 7,965.00 Espada, Angel G. 1
 2,655.00 Fermin, Jorge 5 13,275.00 Fernandini,
 Lorenzo 5 13,275.00 Figueroa, Ibraim 5 13,275.00
 Flores, Hermes 4 10,620.00 Fortier, Pedro J. 4
 10,620.00 Garcia, Cesar J. 5 13,275.00 Garcia-Ayala,
 Mercedes 5 13,275.00 Garcia-Padilla, Wallys 5
 13,275.00 Garcia-Serrano, Luis 5 13,275.00 Garcia,
 Jose 5 13,275.00 Garcia, Jose J. 5 13,275.00 Garcia,
 Melissa 5 13,275.00 Garcia, Oswaldo 5 13,275.00
 Gayle, Gabriel E. 5 13,275.00 Gomez, Eliezer 5
 13,275.00 Gomez, Richard 4 10,620.00 Gonzalez,
 Angel 5 13,275.00 Gonzalez, Judith 2 5,310.00
 Gonzalez, Magaly 4 10,620.00 Gotay, Glidden 5
 13,275.00 Guilloti, Pedro 5 13,275.00 Gutierrez,
 Diana 4 10,620.00 Gutierrez, Juan 5 13,275.00
 Guzman, Juan 5 13,275.00 Guzman, Dynia 5
 13,275.00 Guzman, Roberto 4 10,620.00 Hernandez,
 Findel 5 13,275.00 Hernandez, Jesus M. 5 13,275.00
 Hernandez, Jose 5 13,275.00 Hernandez, Mark 1
 2,655.00 Hernandez, Nelson J. 5 13,275.00 Howard,
 Lewis 2 5,310.00 Irizarry, Jose L. 5 13,275.00
 Kerkado, Jose A. 5 13,275.00 Laborde, Natalia 5
 13,275.00 Laboy, Marisol 1 2,655.00 Laureano,
 David 5 13,275.00 Layer, Ashmirna 2 5,310.00
 Lenway, Shari 5 13,275.00 Lisboa, Mariano 5
 13,275.00 Lopez, Esther M. 5 13,275.00 Lopez,
 Antonio 5 13,275.00 Lopez, Ariel 5 13,275.00 Lopez,
 Edgardo J. 4 10,620.00 Lopez, Estevan R. 5
 13,275.00 Lopez, Jessica 2 5,310.00 Lugo, Eric 4
 10,620.00 Maisonet, Jesus M. 5 13,275.00
 Maldonado, David 5 13,275.00 Maldonado, Julio E. 5
 13,275.00 Maldonado, Julio C. 4 10,620.00
 Maldonado, William 4 10,620.00 Marrero, Sheila 3
 7,965.00 Martinez, Adalberto 5 13,275.00 Martinez,
 Alfredo 5 13,275.00 Martinez, Luis 1 2,655.00
 Massanet, Jose 5 13,275.00 Matos, Hipolito 1
 2,655.00 Meaux, Mariano 5 13,275.00 Melendez,
 Cesar 2 5,310.00 Mendez, Marisol 5 13,275.00
 Mendez, Deusdedy 4 10,620.00 Mendez, Evelyn 5
 13,275.00 Mendoza, Nelson 1 2,655.00 Mercado,
 Louis J. 1 2,655.00 Merced, Carlos F. 5 13,275.00
 Miro, Jose A. 5 13,275.00 Molina, Orlando 5
 13,275.00 Molina, Jose A. 5 13,275.00 Montero,
 Jorge 2 5,310.00 Morales, Edgardo H. 5 13,275.00
 Morales, Rafael 5 13,275.00 Moreno, Charlie 4
 10,620.00 Nieves, Everlinda 5 13,275.00 Nieves,
 Hipolito 5 13,275.00 Nunez, Israel 2 5,310.00 Ocasio,
 Laureano 5 13,275.00 Olivencia, Miguel 5 13,275.00
 O'Neill, Juan 2 5,310.00 Orozco, Dennis 5 13,275.00
 Ortiz, Anibal 4 10,620.00 Ortiz, Elliot 5 13,275.00
 Ortiz, Jose I. 5 13,275.00 Ortiz, Ricardo 2 5,310.00

Ortiz, Roberto 3 7,965.00 Ortiz, Sigfredo 5 13,275.00
 Ortiz-Aviles, Josue 1 2,655.00 Padilla, Jose 5
 13,275.00 Padua, Israel 1 2,655.00 Pagan, Genoveva
 2 5,310.00 Pagan, Meilyn 3 7,965.00 Pares, Roberto 5
 13,275.00 Pedrosa, Vivian 5 13,275.00 Pedrosa,
 Wilfredo 5 13,275.00 Pena, Pedro 5 13,275.00 Perez,
 Aixa 5 13,275.00 Perez, Natalie 2 5,310.00 Pina,
 Denisse 5 13,275.00 Pitre, Edwin 5 13,275.00 Plaud,
 Ricardo 5 13,275.00 Quinones, Harry 4 10,620.00
 Quintero, Juan 5 13,275.00 Ramirez, Gerardo 5
 13,275.00 Ramirez, Ned 4 2,655.00 Ramirez, Rafael
 5 13,275.00 Ramos, Lizette 5 13,275.00 Ramos,
 David 5 13,275.00 Ramos, Marcel 3 7,965.00 Ramos,
 Pedro L. 2 5,310.00 Ramos, Jose L. 1 2,655.00 Reyes,
 Jose 5 13,275.00 Rios, Louis O. 1 2,655.00 Rios,
 Jaime 5 13,275.00 Rivera-Acevedo, Sergio 5
 13,275.00 Rivera-Bracero, Carlos 5 13,275.00
 Rivera-Cosme, Sergio 5 13,275.00 Rivera-Diaz,
 Roberto 5 13,275.00 Rivera, Edgar 4 10,620.00
 Rivera, Francisco 5 13,275.00 Rivera, Jorge 5
 13,275.00 Rivera-Llanos, Juanita 5 13,275.00 Rivera,
 Steve 2 5,310.00 Rodriguez, Edwin 5 13,275.00
 Rodriguez Deyne, Raul 5 13,275.00 Rodriguez
 Garcia, Frank 5 13,275.00 Rodriguez, Alexis 5
 13,275.00 Rodriguez, Dennis 5 13,275.00 Rodriguez,
 Eddie 5 13,275.00 Rodriguez, Heriberto 5 13,275.00
 Rodriguez, Juan 4 10,620.00 Rodriguez, Leonardo 3
 7,965.00 Rodriguez, Luis O. 5 13,275.00 Rodriguez,
 Luis R. 5 13,275.00 Rodriguez, Maria A. 5 13,275.00
 Rodriguez, Martin 5 13,275.00 Rodriguez, Miguel 1
 2,655.00 Rodriguez, Ramon E. 5 13,275.00
 Rodriguez, Ramon A. 5 13,275.00 Rodriguez,
 William 5 13,275.00 Roldan, Yamil 5 13,275.00
 Roman, Henot 1 2,655.00 Romero, Sandra 5
 13,275.00 Romero, Jose L. 5 13,275.00 Rondon,
 Hector F. 4 10,620.00 Rondon, Rafael 1 2,655.00
 Roque, Carlos 5 13,275.00 Rosa, Alfredo 5 13,275.00
 Salazar, Ramon 5 13,275.00 Sanchez, Benito 5
 13,275.00 Santana, Victor 4 10,620.00 Santiago, Alex
 1 2,655.00 Santiago, Jorge 5 13,275.00 Santos,
 Wanda 2 5,310.00 Santos, William 1 2,655.00
 Serrano, Tommy 5 13,275.00 Soto, Edwin 5
 13,275.00 Stuart, Edith 5 13,275.00 Suarez, Joel 5

13,275.00 Tarafa, Ramon 1 2,655.00 Teissonier, Luis
 5 13,275.00 Tirado, Roberto 5 13,275.00 Tomas, Jose
 5 13,275.00 Toro-Ayala, Migdalia 5 13,275.00
 Torres-Diaz, Carlos 5 13,275.00 Torres, William A. 4
 10,620.00 Torres, Manuel 4 10,620.00 Torres,
 Ricardo 3 7,965.00 Valentin, Katherine 2 5,310.00
 Vargas, Alberto 2 5,310.00 Vazquez, Amilcar 2
 5,310.00 Vega, William 5 13,275.00 Vega, Wilda 5
 13,275.00 Vega, David 5 13,275.00 Vega, Roberto 5
 13,275.00 Velazquez, Nelson 5 13,275.00 Velazquez,
 Uriel 4 10,620.00 Velez, Ivan 5 13,275.00 Velez,
 Norman 5 13,275.00 Velez, Pedro 2 5,310.00 Velez,
 Tomas A. 5 13,275.00 Vidro, Miguel 5 13,275.00
 Viera, Luis 4 10,620.00 Villanueva, Javier 5
 13,275.00

AC) As per the Honorable Arbitrator's order,
 Table F has been replaced by Table AC listing
 bargaining unit employees entitled to their pro rata
 share of \$13,275.00.

Employees Affected and No Longer Employed With the Bureau

Table AC

NAME HOME LEAVE DATE REPORTED TO
 GUAYNABO PLACE OF RESIDENCE PRIOR TO
 REPORTING TO MDC GUAYNABO DATE
 DEPARTED MDC GUAYNABO Last, First YEARS
 OWED YEAR RECRUITED OR TRANSFERRED
 FROM: MONTH/YEAR: Bonilla, Angel 3 2002
 Brooklyn, New York Resigned 2005 Brito, Orlando 1
 2001 Miami, Florida February 2003 to ICE Miami
 Hernandez, Mark 2 1998 Cumberland, Maryland May
 2002 to FAM Orlando Maldonado, David 5 2000 Fort
 Dix, New Jersey August 2006 to FAM New York
 City Oneill, Juan 2 1999 Miami, Florida Retired 2003
 Ramos, Pedro 3 1994 Tallahassee, Florida Retired
 2004 Santiago, Alex 1 1993 Butner, North Carolina
 June 2002 to FAM Orlando Vargas, Alberto 2 1997
 Fort Dix, New Jersey Retired 2003 Velez, Pedro 1
 2001 Miami, Florida February 2003 to ICE Miami

AC) A total of 9 affected employees that are no
 longer employed with the Federal Bureau of Prisons
 due to retirement or appointment to another Federal

Agency. The employees were denied Home Leave while assigned to MDC Guaynabo, and shall be compensated economically in accordance with the Federal Government Rates based on the period of compensation from October 2001 to October 2006.

10 Employees Transferred to Other FBOP Institutions

Table AB

NAME	HOME	LEAVE	TIME	FRAME
ESTABLISHED	CLASS	MEMBER	PLACE	OF
RESIDENCE	PRIOR	TO	REPORTING	TO
MDC	GUAYNABO	DATE	DEPARTED	
GUAYNABO	Last, First	Years Owed	FROM YEAR:	
RECRUITED	OR	TRANSFERRED	FROM:	YEAR
Acevedo, Luis A.	5	2001	Lexington, Kentucky	2006
Carrasquillo, Luis	2	2002	New York, New York	2004
Dessus, Melvin	4	2001	Greenville, Illinois	2005
Layer, Ashmirna	2	2001	Estill, South Carolina	2003
Matos, Hipolito	1	2003	New York, New York	2004
Ortiz, Roberto	3	2001	Forrest City, Arkansas	2004
Rodriguez, Leonardo	3	2001	Mariana, Florida	2004
Santana, Victor	4	2001	Brooklyn, New York	2005
Torres, Ricardo	3	2002	Butner, North Carolina	2005
Velazquez, Uriel	4	2001	Miami, Florida	2005

AB) A total of 10 employees that are no longer assigned to MDC Guaynabo but are currently assigned to other Federal Institutions in the United States. As ordered by the Honorable Arbitrator, Table E-2 has been withdrawn and replaced with Table AB with the names of 10 employees wrongfully denied Home Leave.

60 Employees Wrongfully Denied Home Leave

Table AA

NAME	HOME	LEAVE	CLASS	MEMBER	PLACE
OF	RESIDENCE	PRIOR	TO	REPORTING	TO
MDC	GUAYNABO	DATE	REPORTED	TO	MDC
GUAYNABO	Last, First	Years Owed	RECURITED		
OR	TRANSFERRED	FROM:	MONTH/YEAR:		
Aponte, Salvador	5	Atlanta, Georgia	July 1995	Arana,	
Tomas	5	Ray Brook, New York	December 1994		

Blanco, Fernando	5	St. Thomas, Virgin Island	January 1993	Caban, Alex	1	Miami, Florida	August 2005
Caminero, Luis	5	Fairton, New Jersey	October 2001	Cestero, Javier	3	Butner, North Carolina	February 2003
Colon, Efrain	5	Butner, North Carolina	October 1994	Colon, Eric	5	Pekin, Illinois	August 1998
Colon, Giovanni	3	Petersburg, Virginia	July 2004	Crespo, Jose	5	Lewisburg, Pennsylvania	May 1996
Cruz, Carlos	1	Beaumont, Texas	July 2005	Estela, Mike	3	Lee Co., Virginia	February 2003
Fermin, Jorge	5	Three Rivers, Texas	February 2000	Fernandini, Lorenzo	5	Chicago, Illinois	July 2001
Fortier, Pedro	4	Brooklyn, New York	February 2002	Garcia, Jose	5	Seymour Johnson, North Carolina	October 1994
Gomez, Richard	4	Brooklyn, New York	June 2002	Guilloti, Pedro	5	Marion, Illinois	June 1994
Guzman, Juan	5	Oakdale, Louisiana	June 1995	Hernandez, Jesus	4	Yazoo City, Mississippi	December 2001
Hernandez, Nelson	5	Allenwood, Pennsylvania	April 1997	Laureano, David	5	Rochester, Minnesota	August 1995
Lopez, Ariel	5	San Diego, California	September 1995	Lopez, Victor	1	Coleman, Florida	June 2005
Maldonado, Julio E.	5	Petersburg, Virginia	May 1998	Maldonado, William	3	Lee Co., Virginia	March 2003
Martinez, Luis	1	Fort Devens, Massachusetts	October 2005	Meaux, Mariano	5	Brooklyn, New York	October 1998
Melendez, Cesar	2	Fort Devens, Massachusetts	July 2004	Mendez, Marisol	5	Brooklyn, New York	November 2001
Montero, Jorge	2	Butner, North Carolina	July 2004	Morales, Rafael	5	Waseca, Minnesota	November 1998
Moreno, Charlie	4	Butner, North Carolina	April 2002	Munoz, Fernando	1	Cumberland, Maryland	August 2005
Nieves, Hipolito	5	Fort Dix, New Jersey	August 1999	Ocasio, Laureano	5	Schuykill, Pennsylvania	June 1993
Olivencia, Miguel	5	Miami, Florida	May 1997	Ortiz, Anibal	4	Butner, North Carolina	September 2002
Ortiz, Elliot	5	Fort Dix, New Jersey	March 2000	Ortiz, Jose I.	5	Sheridan, Oregon	May 1993
Padilla, Jose	5	New York	October 1996	Perez, Natalie	2	New York, New York	August 2004
Pitre, Edwin	5	Miami, Florida	November 1997	Plaud, Ricardo	5		

Leavenworth, Missouri February 1993 Ramos, David
5 Chicago, Illinois July 2001 Rivera, Edgar 4
Sheridan, Oregon February 2002 Rivera, Francisco 5
Mariana, Florida August 1999 Rodriguez, Raul 5
Florence, Colorado May 2001 Rodriguez, Alexis 5
Miami, Florida May 2000 Rodriguez, Juan 4
Rochester, Minnesota December 2002 Rodriguez,
Ramon A. 5 Phoenix, Arizona May 1999 Rodriguez,
William 5 Fort Dix, New Jersey May 2000 Rosa,
Alfredo 5 Fort Dix, New Jersey December 1996
Santiago, Jorge 5 Rochester, Minnesota January
1993 Serrano, Tommy 5 Oakdale, Louisiana
November 1993 Tomas, Jose 5 Ft. Dix, New Jersey
June 1998 Torres, Manuel 4 Fairton, New Jersey
August 2002 Vega, Wilda 5 Brooklyn, New York
June 1998 Velazquez, Nelson 5 Greenville, Illinois
October 1998 Vidro, Miguel 5 Schuylkill,
Pennsylvania October 1993

AA) A total of 60 affected employees that are currently assigned to MDC Guaynabo and are entitled to Home Leave, in accordance with the Statute. As ordered by the Honorable Arbitrator, Table E-1 has been withdrawn and replaced with Table AA with the names of 60 employees wrongfully denied Home Leave.