

OFFICE OF COMPLIANCE
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| SHEILA COGAN, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 01-AC-386(RP) |
| |) | Date: May 30, 2003 |
| OFFICE OF THE ARCHITECT |) | |
| OF THE CAPITOL |) | |
| |) | |
| Respondent . |) | |
| <hr/> |) | |

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

DECISION OF THE BOARD OF DIRECTORS

On September 9, 2002, Hearing Officer Warren R. King issued the attached Decision and Order in this matter concluding that the Respondent did not terminate the Complainant's employment in retaliation for her having engaged in protected activities under the Congressional Accountability Act. The Complainant timely filed a petition for review of that decision, and a supporting brief. The Respondent timely filed its opposition brief to the petition for review.

The Board has considered the decision¹ and the record in light of the petition for review and briefs. The Board affirms the hearing officer's determination that the evidence did not establish that the Respondent acted out of a proscribed retaliatory motive in terminating the Complainant's employment.²

¹ The hearing officer's decision, in the bottom paragraph on page 3, inadvertently states that the Complainant started work for the Respondent on November 20, 2002, rather than the correct date of November 20, 2000. That oversight is not material to the result and we note that the decision reflects the correct date in the first paragraph on page 2.

² In light of our affirmance of the hearing officer's conclusion that the Respondent acted out of a non-retaliatory motive, we need take no position on the *constructive discharge* standard set forth at footnote 12 of the hearing officer's decision.

ORDER

Pursuant to Section 406(e) of the Congressional Accountability Act and Section 8.01(d) of the Office's Procedural Rules, the Board affirms the hearing officer's merits determination of no retaliation in this matter.

It is so ordered.

Susan S. Robfogel, Chair

Barbara L. Camens, Member

Alan V. Friedman, Member

Roberta L. Holzwarth, Member

Barbara Childs Wallace, Member

Issued, Washington, D.C.: May 30, 2003

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May 2003, I delivered a copy of this Decision of the Board of Directors to the following parties by the below identified means:

First-Class Mail Postage-Prepaid

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Office of Compliance