UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and **Case 21-CA-25278**

ANTHONY PAPPAS

ORDER

The Charging Party's Request for Review of the Acting General Counsel's decision affirming the Regional Director's compliance determination is denied. The Charging Party argues, inter alia, that (1) the Region's decision to terminate backpay on March 31, 2007, can only be decided on the basis of evidence presented at a compliance hearing; (2) the Charging Party would have continued working for the Respondent until he became eligible for the maximum amount of creditable service under the Civil Service Retirement System, but for the Respondent's unlawful conduct that rendered him unable to work; and (3) the Region's decision imposes a mandatory retirement age and forces the Charging Party to accept an early retirement.

We find that the Region did not clearly err by tolling the backpay period as of the date that the Charging Party would have been eligible to retire. Contrary to the Charging Party's argument, the Region's compliance determination does not require him to retire or mandate an early retirement. Rather, it provides the Charging Party with a full, unreduced annuity under the Civil Service Retirement System, based on 30 years of creditable service. While the backpay period does not provide for the maximum possible amount of creditable service, the Charging Party is not automatically entitled to the maximum possible amount of backpay, and the relevant question is whether the

Board's remedy effectuates the purposes of the Act. See *American Navigation Co.*, 268 NLRB 426, 427 (1983), and cases cited therein. We find that the remedy, which has provided the Charging Party with approximately 21 years of backpay, effectuates the policies of the Act. Further, we find no error in the Regional Director's decision to issue a compliance determination upon the available evidence without proceeding to a compliance hearing. In any event, the Charging Party has not identified any specific evidence that he would present at a hearing in support of his general claim that he intended to continue working until he reached the maximum amount of creditable service.

Accordingly, we conclude that the Charging Party has failed to establish a sufficient basis for reversing the Regional Director's compliance determination.

Dated, Washington, D.C., November 5, 2010.

WILMA B. LIEBMAN,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER