

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 88-90

October 5, 1988

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Joseph E. DeSio, Associate General Counsel

SUBJECT: Inquiries to Executive Secretary's Office

The Executive Secretary has informed us that on two recent occasions certain documents were not timely received by the Executive Secretary's Office because they were inadvertently placed directly in the formal files without the Executive Secretary's knowledge of their existence. For example, a motion to quash an investigatory subpoena, along with the General Counsel's opposition, was erroneously delivered from the mail room to the Judge's Division. These documents were then forwarded to the file room where they remained in the formal file undiscovered for a substantial period of time until an inquiry from a Regional Office alerted the Executive Secretary of their existence.

The Regions have been responsive to prior requests to assist in avoiding similar problems, or situations where documents go astray in the mails and never reach Washington. Thus, pursuant to GC 83-3 and OM 87-65, the Regions routinely inquire of the Executive Secretary's Office with respect to cases where no exceptions are filed and a timely Order adopting the Regional Director's or Hearing Officer's Report on Objections and/or Challenged Ballots has not issued. This inquiry is made when the above-referenced Order has not issued within 2 weeks after the expiration of the time period for filing exceptions. Similarly, pursuant to OM 84-81, Regions inquire of the Executive Secretary's Office in all 10(k) proceedings where the parties waive their right to file briefs. This inquiry is made 1 week after the Hearing Officer's Report is transmitted to Washington to make sure it has been received.

Because situations do occasionally arise like those mentioned, Regions should also inquire of the Office of the Executive Secretary as to the status of any motion to quash, as well as any interlocutory appeal (e.g., appeal from ruling of an administrative law judge, appeals regarding change of venue and postponements) which have been in Washington for more than 1 month without any action being taken. Such inquiry will alert the Executive Secretary's Office to the possibility that documents which should have been received and docketed in the Executive Secretary's Office have not, in fact, been received.

J. E. D.

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