



UNITED STATES OF AMERICA  
FEDERAL LABOR RELATIONS AUTHORITY  
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)  
Executive Office of Immigration Review (EOIR)  
Department of Justice  
5107 Leesburg Pike  
26th Floor  
Falls Church, VA 22041

b. Agency Representative (include name, title, address)  
Rena Scheinkman  
Assistant General Counsel  
Executive Office of Immigration Review (EOIR)  
5107 Leesburg Pike  
26th Floor  
Falls Church, VA 22041

tel. 703-605-0442                                      fax  
e-mail                                      rena.scheinkman@usdoj.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)  
National Association of Immigration Judges (NAIJ)  
IFPTE Judicial Council 2  
Los Angeles Immigration Court  
606 South Olive Street  
Floor 15  
Los Angeles, CA 90014

b. Charging Party Representative (include name, title, address)  
Richard Bialczak  
Counsel  
48-18 Van Dam Street  
2nd Floor  
Long Island City, NY 11101

tel. 202-236-7259                                      fax  
e-mail                                      rickbial@gmail.com

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.  
In and around August 2019, the Agency distributed to all EOIR employees in its daily briefing a prominently displayed summary and link to a white nationalist blog post singling out the Union President and Union Executive Vice President for their actions as both Immigration Judges and as union officials, and in which - among other things - the Union officials were labeled "kritarchs". "Kritarch" is a term used by white nationalists in espousing their noxious conspiracy theories and anti-semitic beliefs. The distributed article opined that NAIJ should be decertified as a Union. This article was sent shortly after the Agency filing of a unit clarification petition seeking the decertification of the Union. The Union officials identified in the article received vicious and threatening voice mails shortly after its publication. Moreover, shortly after the Agency distributed the blog post, it announced that it was ceasing its daily briefing - despite the fact that it is popular and widely read among EOIR employees. The intentional publication of this blog post has the effect of interfering with, restraining, and coercing employees in the exercise of their rights, discouraging membership by discrimination in connection with their conditions of employment, and discrimination in connection with opposition to an Agency petition. Therefore, the Agency's actions constitute a violation of 5 USC Section 7116(a)(1),(2), and (4).

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated?    (1)  (2)  (3)  (4)  (5)  (6)  (7)  (8)

c. Have you or anyone else raised this matter in any other procedure?    No     Yes     If yes, where?  
 Grievance Procedure                                       Federal Mediation and Conciliation Service                                       Federal Service Impasses Panel  
 Equal Employment Opportunity Commission                                       Merit Systems Protection Board                                       Office of Special Counsel  
 Other Administrative or Judicial Proceeding                                       Negotiability Appeal to FLRA                                       Other

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

In Person                       1st Class Mail                       Fax                       Commercial Delivery                       Certified Mail                       e-mail (see reverse)

Richard Bialczak

9/27/2019

Type or Print Your Name

Your Signature

Date