

UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
WASHINGTON REGIONAL OFFICE

TERESA C. CHAMBERS,  
Appellant,

v.

DEPARTMENT OF THE INTERIOR,  
Agency.

DOCKET NUMBER  
DC-1221-04-0616-W-1

Admin. Judge E. B. Bogle

DATE: September 1, 2004

**NOTICE OF UNAVAILABILITY OF WITNESS**

On August 30, 2004 the Administrative Judge ordered that the Agency produce Deputy Secretary Steven Griles at the hearing scheduled to commence on September 8, 2004. On the evening of August 31, 2004, the Agency learned that Mr. Griles would not be available in person or by telephone during the entire week of September 5, including the dates on which the hearing in this case are scheduled.

The circumstances are that Mr. Griles will be on official travel on the Colorado River in the Grand Canyon for that entire week and will not be available. He will be out of telephone communication during this week. Mr. Griles will be available on Saturday and Sunday, September 11 and 12 by telephone. He will be available by telephone only at periods of time on September 13, when he will be on official travel in Phoenix, Arizona. Mr. Griles will return to the Washington, D.C. area and be available to testify in person or by telephone on September 14 and 15.

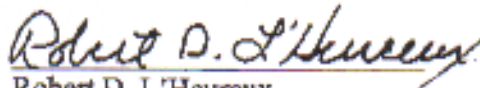
Appellant's Representative was notified of this information at about 9:30AM on September 1, 2004. He was also notified that Mr. Griles would be available by telephone on September 2, 2004 if Appellant wished to preserve his testimony for trial in advance

of the hearing. By the close of business on September 1, Appellant's Representative had not communicated his preference to the undersigned.

The Agency points out that Mr. Griles is the second highest level official in a cabinet level agency. The travel he will take during the week of September 5 has been arranged for some five weeks and can not be rescheduled.

It is respectfully suggested that the record of this case be held open until September 14 or 15 when Mr. Griles will be available to testify in person. As the Administrative Judge has ordered closing argument in this case, the parties could make their arguments after Mr. Griles testifies or they could be ordered to file post-hearing briefs in lieu of closing argument at a time designated by the Administrative Judge.

Respectfully submitted,



Robert D. L'Heureux

Renn Fowler

AGENCY REPRESENTATIVES

McNamara & L'Heureux, P.C.

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CERTIFICATE OF SERVICE

I certify that the foregoing NOTICE OF UNAVAILABILITY OF WITNESS was sent by facsimile to:

APPELLANT'S REPRESENTATIVE

Richard E. Condit, Esq.  
General Counsel  
PEER  
2001 S Street NW, Suite 570  
Washington, DC 20009  
(202)265-4192 Facsimile

September 1, 2004  
Date

R. D. L'Heureux  
R. D. L'Heureux