

## § 955.36

make payment of such charges on demand may be deemed by the Board as a sufficient ground for striking the testimony of the witness and the evidence the witness has produced.

(g) *Contumacy or refusal to obey a subpoena.* In case of contumacy or refusal to obey a subpoena by a person who resides, if found, or transacts business within the jurisdiction of a U.S. District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member thereof to give testimony or produce evidence or both. Any failure of any such person to obey the order of the Court may be punished by the Court as a contempt thereof.

[44 FR 13015, Mar. 9, 1979. Redesignated and amended at 60 FR 57939, Nov. 24, 1995]

### § 955.36 Effective Dates and Applicability.

The provisions of §§ 955.9 and 955.13 took effect on October 1, 1995. Pursuant to the Contract Disputes Acts of 1978 (41 U.S.C. 601–613), §§ 955.13 and 955.35 apply to appeals relating to contracts entered into on or after March 1, 1979. All other provisions of this part 955 took effect February 18, 1976. Except as otherwise directed by the Board, these rules shall not apply to appeals docketed prior to their effective dates.

[60 FR 57939, Nov. 24, 1995]

## PART 956—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DISCIPLINARY ACTION FOR VIOLATION OF RESTRICTIONS ON POST-EMPLOYMENT ACTIVITY

Sec.

- 956.1 Authority for rules.
- 956.2 Scope of rules.
- 956.3 Definitions.
- 956.4 Initiation of proceedings.
- 956.5 Answer.
- 956.6 Hearing election.
- 956.7 Notice of hearing.
- 956.8 Reply.
- 956.9 Service and filing of documents for the record.
- 956.10 Respondent's failure to appear at the hearing.
- 956.11 Amendment of pleadings.
- 956.12 Continuances and extensions.
- 956.13 Hearings.
- 956.14 Appearances.

## 39 CFR Ch. I (7–1–06 Edition)

- 956.15 Presiding officer.
- 956.16 Burden of proof and evidence.
- 956.17 Discovery—depositions.
- 956.18 Interrogatories to parties, admission of facts, and production of documents.
- 956.19 Transcript.
- 956.20 Proposed findings and conclusions.
- 956.21 Decisions.
- 956.22 Exceptions to initial decision or tentative decision.
- 956.23 Judicial Officer.
- 956.24 Motion for reconsideration.
- 956.25 Modification or revocation of orders.
- 956.26 Computation of time.
- 956.27 Official record.
- 956.28 Ex parte communications.

AUTHORITY: 18 U.S.C. 207(j), 39 U.S.C. 204, 401.

SOURCE: 49 FR 40771, Oct. 17, 1984, unless otherwise noted.

### § 956.1 Authority for rules.

The rules in this part are issued by the Judicial Officer of the Postal Service pursuant to authority delegated by the Postmaster General (39 U.S.C. 204, 401).

### § 956.2 Scope of rules.

The rules in this part shall be applicable in all formal proceedings before the Postal Service pertaining to proposed disciplinary action initiated under § 447.34(e) of this title.

### § 956.3 Definitions.

(a) The term *Ethical Conduct Officer* has the same meaning as in § 447.31 of this title and includes his authorized representative.

(b) *Respondent* means any individual who has been served a written notice of proposed disciplinary action pursuant to § 447.34 of this title.

(c) The *Recorder* means the Recorder of the U.S. Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078.

[49 FR 40771, Oct. 17, 1984, as amended at 63 FR 66051, Dec. 1, 1998]

### § 956.4 Initiation of proceedings.

(a) The Ethical Conduct Officer shall initiate a proceeding by serving upon the proposed respondent a written notice of proposed disciplinary action in the manner hereinafter (§ 956.9(d)) provided for the service of all other papers.

(b) The notice shall: