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ORDER NO. 1277

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Before Commissioners: Edward J. Gleiman, Chairman;
George A. Omas, Vice Chairman;
Dana B. Covington, Sr.; Ruth Y. Goldway;
and W.H. "Trey" LeBlanc III

Complaint of John Westfall

Docket No. C2000-1

ORDER DISMISSING WESTFALL COMPLAINT

(January 11, 2000)

On October 1, 1999, John Westfall of Marquette, Michigan filed a complaint against the Postal Service under 39 U.S.C. § 3662. In the complaint, Mr. Westfall alleged that he was not receiving postal services from his local contract post office in accordance with policies applicable to the U.S. Postal Service. The contract post office is not handicapped accessible, and Mr. Westfall is confined to a wheelchair.

Complainant argued that his petition for rural delivery service was inappropriately denied, purportedly to ensure that the contract post office would remain open by operating at a profit.

In Order No. 1266, issued on October 8, 1999, the Commission provided notice of the complaint, appointed the Director of the Office of the Consumer Advocate as settlement coordinator in the case, and encouraged the parties to resolve the case informally through settlement.

On December 28, 1999, Mr. Westfall filed a Notice of Withdrawal of Complaint (Notice). The Notice indicates that Complainant and the Postal Service have reached a mutual understanding whereby: (1) the Postal Service does not object to the withdrawal

of the complaint; (2) a new petition for rural delivery service will be submitted by Mr. Westfall to the Postal Service, with the assistance of a heretofore uninvolved Service employee; (3) the Postal Service agrees to extend delivery service if a qualified petition is filed; and (4) in the event the matter is not resolved to Mr. Westfall's satisfaction, he may pursue the issue in accordance with 39 C.F.R. §255 (Access of Handicapped Persons to Postal Service Facilities, Programs and Employment).

On January 4, 2000, the Office of the Consumer Advocate filed a Statement of Concurrence with Withdrawal of Complaint (Statement). The Statement indicates the OCA's leading role in facilitating settlement of Mr. Westfall's complaint, and its satisfaction with the resolution of the matter.

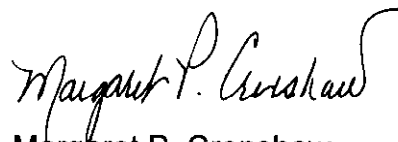
The Commission commends the parties for their diligent efforts to resolve this service complaint through informal means. In accordance with the mutual agreement of Complainant and the Postal Service, which was facilitated by the OCA's involvement, Mr. Westfall's request to withdraw the complaint is granted. The complaint shall be dismissed.

It is ordered:

The complaint filed by John Westfall under 39 U.S.C. § 3662 on October 1, 1999 is dismissed, and Docket No. C2000-1 is hereby closed.

By the Commission.

(S E A L)


Margaret P. Crenshaw
Secretary