

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

and

Case 07-CA-142926

**BRANCH 256, NATIONAL ASSOCIATION  
OF LETTER CARRIERS (NALC), AFL-CIO**

**ORDER GRANTING SPECIAL PERMISSION TO APPEAL  
AND INVITATION TO FILE BRIEFS**

The General Counsel's Request for Special Permission to Appeal Administrative Law Judge Christine E. Dibble's order adopting a party's settlement offer to which all other parties objected is granted. The parties and interested *amici* are invited to address the following questions:

1. May the Board, consistent with Section 3(d) of the National Labor Relations Act, continue to permit administrative law judges to issue a "consent order," subject to review by the Board, incorporating the terms proposed by a respondent to settle an unfair labor practice case, to which no other party has agreed, over the objection of the General Counsel?
2. If Section 3(d) does allow the Board's current practice, should the Board alter or discontinue the practice as a matter of policy?

See *Food Lion, Inc.*, 304 NLRB 602, 602 fn. 4 (1991); *Copper State Rubber*, 301 NLRB 138, 138 (1991); *Electrical Workers, IUE Local 201 (General Electric Co.)*, 188 NLRB 855, 857 (1971); see also *NLRB v. Food & Commercial Workers Local 23*, 484 U.S. 112 (1987); NLRB Rules and Regulations Sec. 102.35(a)(7).

Supplemental briefs by the parties not exceeding 25 pages in length and briefs by *amici* not exceeding 20 pages shall be filed with the Board in Washington, D.C., on or before March 18, 2016. The parties may file responsive briefs on or before April 1, 2016, which shall not exceed 20 pages in length. No other responsive briefs will be accepted. The parties and *amici* shall file briefs electronically by going to [www.nlr.gov](http://www.nlr.gov) and clicking on "E-File

Documents.” Parties and *amici* are reminded to serve all case participants. A list of case participants may be found at <https://www.nlrb.gov/case/07-CA-142926> under the heading “Service Documents.” If assistance is needed in E-Filing on the Agency’s website, please contact the Office of Executive Secretary at 202-273-1940 or Executive Secretary Gary Shinnars at 202-273-3737.

Dated, Washington, D.C., February 19, 2016

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER