



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858

November 9, 2018

(b) (6), (b) (7)(C)

Re: National Association of Letter Carriers
(United States Postal Service)
Case 10-CB-222675

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that National Association of Letter Carriers has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that since about May 2018, the above-named Union has refused to assist you in processing your (b) (6), (b) (7)(C) claim through the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for arbitrary reasons or in bad faith in violation of Section 8(b)(1)(A) of the Act. You further allege that since about June 1, 2018, the Union has failed and refused to respond to inquiries about your (b) (6), (b) (7)(C) claim. (b) (6), (b) (7)(C) claims are federal statutory rights, are not part of the collective bargaining agreement, and are processed by the U.S. Department of Labor. The Union has no legal obligation to process (b) (6), (b) (7)(C) claims and has no obligation to assist employees in their (b) (6), (b) (7)(C) claims or to communicate with employees regarding (b) (6), (b) (7)(C) claim processing. Therefore, the Union did not violate its duty of fair representation in violation of Section 8(b)(1)(A) as alleged when it did not assist you with, or respond to your inquiries about, your (b) (6), (b) (7)(C) claim.

For the above reasons, there is no basis upon which to conclude that the Union violated Section 8(b)(1)(A) of the Act. Accordingly, further proceedings are not warranted and I am refusing to issue a complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal **MAY NOT** be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 23, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 22, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

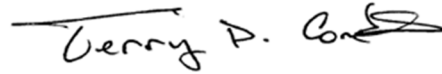
Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** November 23, 2018. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 23, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

November 9, 2018

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



TERRY D. COMBS
Acting Regional Director

Enclosure

cc: Antonia Shields, Union President
National Association of Letter Carriers
1550 Floyd Bradford Rd
Trussville, AL 35173-3173

Samuel W. Wheeler, Attorney
Olivia Singer, Attorney
Cohen Weiss and Simon, LLP
900 Third Avenue, 21st Floor
New York, NY 10022

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Department - NLRB Unit
1720 Market Street, Rm 2400
Saint Louis, MO 63155-9948

United States Postal Service
612 37th St N
Birmingham, AL 35222



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November 28, 2018

(b) (6), (b) (7)(C)

Re: American Postal Workers Union, Local 32
(United States Postal Service)
Case 10-CB-223433

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that American Postal Workers Union Local 32 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union breached its duty to fairly represent you in connection with a grievance settlement. You allege that the Union did not submit the proper documentation and that it failed to include overtime as part of your backpay in the settlement. The investigation revealed that you would not be eligible to receive overtime as part of the grievance settlement because you had not actually worked overtime during the twelve months preceding your (b) (6), (b) (7)(C) placement into off-duty status. The investigation further disclosed that it was the Employer, not the Union, who was responsible for obtaining the necessary documentation to process your backpay and other benefits. There was no evidence that the Union's actions were arbitrary or unlawfully motivated. Accordingly, there was insufficient evidence to establish that the Union breached its duty of fair representation in violation of Section 8(b)(1)(A) as alleged in the charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or

November 28, 2018

delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

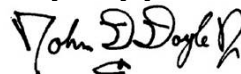
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 12, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 11, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 12, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 11, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



JOHN D. DOYLE, JR.
Regional Director

Enclosure

cc: Carl Hudson, Local President
American Postal Workers Union,
Atlanta Metro Area Local 32
P.O. Box 3232
Atlanta, GA 30302-3232

Charlene Thompson, Labor Relations
United Parcel Service
1605 Boggs Road
Duluth, GA 30096

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Department - NLRB Unit
1720 Market St., Rm. 2400
St. Louis, MO 63155-9948



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November 30, 2018

(b) (6), (b) (7)(C)

Re: National Rural Letter Carriers' Association
(United States Postal Service)
Case 10-CB-225294

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that the National Rural Letter Carriers' Association has violated the National Labor Relations Act.

Decision to Dismiss: You have alleged that the Union, the National Rural Letter Carriers' Association, has failed its duty of fair representation by refusing to file a grievance on your behalf concerning the reassignment of your bid.

The investigation revealed that the Union declined to file your grievance based on its reasonable interpretation of the collective bargaining agreement and a good faith evaluation of the merits comparable to the grievance filed by the other member. The investigation further disclosed that the Union discussed additional remedies with you after the reassignment, including training and training pay, which you declined. A union is not required to file every grievance proposed, as long as its decision is not based on discriminatory or arbitrary conduct as prohibited by the National Labor Relations Act. As there was insufficient evidence that the Union violated the Act as alleged, I am refusing to issue a complaint on this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

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Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 14, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **December 13, 2018**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

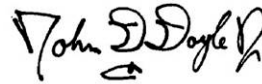
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November 30, 2018

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink that reads "John D. Doyle, Jr." with a stylized flourish at the end.

JOHN D. DOYLE, JR.
Regional Director

Enclosure

cc: Jean Marc Favreau, Counsel
1730 Rhode Island Avenue, NW
Suite 715
Washington, DC 20036

Delores Driskell, District Representative
National Rural Letter Carriers' Association
P.O. Box 1569
Villa Rica, GA 30180-6409

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Dept. - NLRB Unit
1720 Market Street, Room 2400
St. Louis, MO 63155-9948



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Fax: (404)331-2858

November 14, 2018

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters,
Local 1129; Teamsters Brewery,
Beverage and Allied Trades of Bartow
and Floyd Counties of Georgia
(Anheuser-Busch InBev)
Case 10-CB-226048

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Brotherhood of Teamsters, Local 1129; Teamsters Brewery, Beverage and Allied Trades of Bartow and Floyd Counties of Georgia has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that since about February 25, 2018, the Union has violated Section 8(b)(1)(A) of the Act by failing and refusing to file and process a grievance on your behalf for arbitrary, discriminatory, or bad faith reasons.

The investigation disclosed that you complained to the Union about a coworker. The Employer investigated complaints about your coworker and (b) (6) was terminated, but later your coworker was returned to work. The Union did not file a grievance about your complaints regarding your coworker. However, the evidence established the Union's Local (b) (6), (b) (7)(C) spoke with you about the matter and (b) (6) explained you could file a complaint with the Employer.

A union breaches its duty of fair representation, and thereby violates Section 8(b)(1)(A) of the Act, by engaging in conduct concerning a bargaining unit employee that is arbitrary, discriminatory, or in bad faith. See *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). A union's actions are considered arbitrary only if the union has acted "so far outside 'a wide range of reasonableness' as to be irrational." See *Air Line Pilots Assn. v. O'Neill*, 499 U.S. 65, 67 (1991) (quoting *Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953)). Duty of fair representation requires the balancing of individual and collective interests, particularly when considering a conflict between bargaining unit members.

Here there is insufficient evidence to show that the Union's actions or inactions were discriminatory, arbitrary or unlawfully motivated. There is no evidence the Union held any animus

towards you for any reason. Furthermore, the evidence demonstrates that the Union was responsive to your concerns and inquiries.

I am, therefore, refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
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Appeal Due Date: The appeal is due on **November 28, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 27, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 28, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 28, 2018, **even if it is**

International Brotherhood of Teamsters, - 3 -
Local 1129; Teamsters Brewery, Beverage
and Allied Trades of Bartow and Floyd
Counties of Georgia
(Anheuser-Busch InBev)
Case 10-CB-226048

November 14, 2018

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Very truly yours,



TERRY D. COMBS
Acting Regional Director

Enclosure

cc: Doyal Momon, Business Agent
International Brotherhood of Teamsters, Local 1129;
Teamsters Brewery, Beverage and Allied Trades of
Bartow and Floyd Counties of Georgia
1151 Cass White Road, NE
White, GA 30184-2610

Kelly Hlubek, Representative
Anheuser-Busch InBev
100 Busch Drive
Cartersville, GA 30120

Darryl Uffelmann, Attorney
Anheuser-Busch Brewing Properties, LLC
One Busch Place
Legal Department, 202-7
St. Louis, MO 63118-1852



UNITED STATES GOVERNMENT
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Fax: (404)331-2858

November 13, 2018

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters,
Local 1129; Teamsters Brewery,
Beverage and Allied Trades of Bartow
and Floyd Counties of Georgia
(Anheuser-Busch InBev)
Case 10-CB-226057

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Brotherhood of Teamsters, Local 1129; Teamsters Brewery, Beverage and Allied Trades of Bartow and Floyd Counties of Georgia has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that since about February 25, 2018, the Union has violated Section 8(b)(1)(A) of the Act by failing and refusing to file and process a grievance on your behalf for arbitrary, discriminatory, or bad faith reasons.

The investigation disclosed that you complained to the Union about a coworker. The Employer investigated complaints about your coworker and (b) (6) was terminated, but later your coworker was returned to work. The Union did not file a grievance about your complaints regarding your coworker. However, the evidence established the Union's Local (b) (6), (b) (7)(C) spoke with you about the matter and (b) (6) explained you could file a complaint with the Employer.

A union breaches its duty of fair representation, and thereby violates Section 8(b)(1)(A) of the Act, by engaging in conduct concerning a bargaining unit employee that is arbitrary, discriminatory, or in bad faith. See *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). A union's actions are considered arbitrary only if the union has acted "so far outside 'a wide range of reasonableness' as to be irrational." See *Air Line Pilots Assn. v. O'Neill*, 499 U.S. 65, 67 (1991) (quoting *Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953)). Duty of fair representation requires the balancing of individual and collective interests, particularly when considering a conflict between bargaining unit members.

Here, there is insufficient evidence to show that the Union's actions or inactions were discriminatory, arbitrary, or unlawfully motivated. There is no evidence the Union held any animus towards you for any reason. Furthermore, the evidence demonstrates that the Union was responsive to your concerns and inquiries.

I am, therefore, refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

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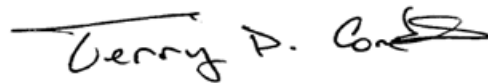
International Brotherhood of Teamsters,
Local 1129; Teamsters Brewery, Beverage
and Allied Trades of Bartow and Floyd
Counties of Georgia
(Anheuser-Busch InBev)
Case 10-CB-226057

- 3 -

November 14, 2018

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Very truly yours,



TERRY D. COMBS
Acting Regional Director

Enclosure

cc: Doyal Momon, Business Agent
International Brotherhood of Teamsters, Local 1129;
Teamsters Brewery, Beverage and Allied Trades of
Bartow and Floyd Counties of Georgia
1151 Cass White Road, NE
White, GA 30184-2610

Kelly Hlubek, Representative
Anheuser-Busch InBev
100 Busch Drive
Cartersville, GA 30120

Darryl Uffelmann, Attorney
Anheuser-Busch Brewing Properties, LLC
One Busch Place
Legal Department, 202-7
St. Louis, MO 63118-1852



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November 20, 2018

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters
Local 728 (United Parcel Service)
Case 10-CB-226063

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Brotherhood of Teamsters Local 728 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act and breached its duty to fairly represent you in connection with grievances because you are not a member of the Union. The investigation revealed that, during the past six months, the Union has accepted all of the grievances you have sought to file. The investigation further disclosed that several of those grievances were recently heard by the joint Employer/Union grievance panel and that there are still being processed. The evidence was insufficient to establish that the Union has breached its duty of fair representation in violation of Section 8(b)(1)(A) as alleged in the allegations of your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

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- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

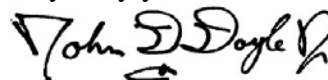
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 4, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 3, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 4, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 4, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



JOHN D. DOYLE, JR.
Regional Director

Enclosure

cc: Randy Brown, President
International Brotherhood of Teamsters
Local 728
2540 Lakewood Avenue, SW
Atlanta, GA 30315-6328

Craig Gardner, Labor Relations
United Parcel Service
270 Marvin Miller Drive, SW
Atlanta, GA 30336-1814



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

November 30, 2018

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters,
Local 391
(United Parcel Service)
Case 10-CB-226581

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Brotherhood of Teamsters, Local 391 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 14, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be


completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **December 13, 2018**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 14, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **December 14, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

John D. Doyle Jr.
Regional Director

By: 
Scott C. Thompson
Officer in Charge

Enclosure

International Brotherhood of Teamsters,
Local 391
(United Parcel Service)
Case 10-CB-226581

- 3 -

November 30, 2018

cc: Lester Grant, Representative
United Parcel Service
199 Park Plaza Dr
Winston Salem, NC 27105-2650

Derek Forbes, Representative
United Parcel Service
199 Park Plaza Dr
Winston Salem, NC 27105-2650

Chris Vaughn, Business Agent
International Brotherhood of Teamsters,
Local 391
P.O. Box 35405
Greensboro, NC



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

November 2, 2018

(b) (6), (b) (7)(C)

Re: American Postal Workers Union, Local 807
(United States Postal Service)
Case 10-CB-226623

Dear (b) (6), (b) (7)(C)

We have carefully considered your charge that American Postal Workers Union, Local 807 has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

You filed this charge on August 31, 2018, alleging that the Union refused to process your grievance regarding unpaid work hours within the past 24 months, and that the Union refused to process your grievance regarding harassment by the Employer within the past 6 months. By letter dated August 31, 2018, this office informed you that it was your responsibility to promptly meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession.

Throughout September and October, the Board Agent has made many attempts to schedule your affidavit. After you failed to keep scheduled appointments for your affidavit on September 20, 2018 and October 22, 2018, the Board Agent informed you by letter that if you did not schedule and complete your affidavit by Monday October 29, 2018, he would recommend that your charge be dismissed by your lack of continued cooperation. You did begin providing that affidavit on Monday, October 29, 2018, and the agent confirmed with you that you would be given a one day extension of time to finish providing your affidavit by Tuesday, October 30, 2018, which you agreed to. Despite attempts to call you at the scheduled start time of 9:45 am and again at 10:00 am on October 30, 2018, you failed answer the phone and to date have not finished providing your evidence. Accordingly, I am dismissing your charge for lack of continued cooperation.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 19, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 18, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

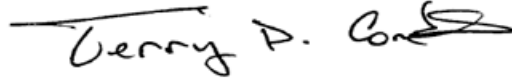
Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 19, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 15, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

November 5, 2018

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Terry D. Combs
Acting Regional Director



By:

Lisa R. Shearin
Acting Officer-in-Charge

Enclosure

cc:

(b) (6), (b) (7)(C)

United States Postal Service
2001 Dixiana Rd
Columbia, SC 29292-9989

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Department - NLRB Unit
1720 Market Street, Room 2400
Saint Louis, MO 63155-9948

Marie Brown, Local President
American Postal Workers Union,
Local 807
PO Box 929807
Columbia, SC 29292-9807



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858

November 8, 2018

(b) (6), (b) (7)(C)

Re: International Association of Machinists and
Aerospace Workers, AFL-CIO, Local Lodge
2396 (Stanley Black & Decker)
Case 10-CB-227044

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Association of Machinists and Aerospace Workers, AFL-CIO, Local Lodge 2396 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

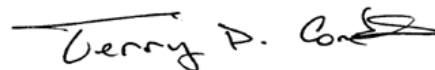
Appeal Due Date: The appeal is due on **November 23, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 22, 2018. **If an appeal is postmarked or given to a delivery service on the**

due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 23, 2018.** The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 23, 2018, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,



TERRY D. COMBS
Acting Regional Director

Enclosure

cc: **(b) (6), (b) (7)(C)**
International Association of Machinists and Aerospace Workers, AFL-CIO,
Local Lodge 2396
PO Box 408
Calvert City, KY 42029-0408

James R. Little, Grand Lodge Special Representative
International Association of Machinists and Aerospace Workers, AFL-CIO
690 E Lamar Blvd Ste 580
Arlington, TX 76011-1711

Kent Shane, Plant Manager
Stanley Black & Decker
1915 Pembroke Rd
Hopkinsville, KY 42240-4490



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858

November 8, 2018

(b) (6), (b) (7)(C)

Re: American Postal Workers Union -APWU
(United States Postal Service Peachtree)
Case 10-CB-227664

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that American Postal Workers Union has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

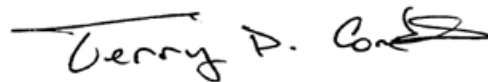
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 23, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 22, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 23, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 23, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

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Very truly yours,



TERRY D. COMBS
Acting Regional Director

Enclosure

cc: William Flanagan, Local President
American Postal Workers Union,
Atlanta Metro Area Local 32
2381 Fairburn Rd SW
ATLANTA, GA 30331-5242

Credric J. Houston, Representative
United States Postal Service
Peachtree P&DC
2310 Maynard Jackson Blvd
Atlanta, GA 30320

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Department - NLRB Unit
1720 Market St, Rm 2400
St. Louis, MO 63155-9948



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Suite 200
Winston Salem, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

November 14, 2018

(b) (6), (b) (7)(C)

Re: American Postal Workers Union,
Local 1901
(United States Postal Service)
Case 10-CB-229594

Dear (b) (6), (b) (7)(C)

We have carefully considered your charge that American Postal Workers Union Local 1901 has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

You filed this charge on October 22, 2018, alleging that the Union violated Section 8(b)(1)(A) of the Act by failing and refusing to process your grievance regarding your notice of removal.

By letter dated October 22, this office informed you that it is your responsibility to promptly meet with a Board Agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. On October 30, during a telephone call, you informed the assigned Board Agent that you would not participate in the investigation because of the Board Agent's involvement in a prior case. You also stated that you do not consent to the Agency discussing your allegations with certain Union representatives. The Board Agent informed you of the investigation process, which requires that you provide a Board sworn affidavit and requires that the Agency investigate your allegations by seeking the Union's response to your allegations. The Board Agent explained to you that the Union has the right to present evidence in response to your charge and that it would choose whom to involve in defending itself. You refused to continue the telephone conversation and abruptly hung up the telephone, discontinuing the call.

By letter dated October 30, the Board Agent reminded you of your responsibility to cooperate in the investigation and afforded you yet another opportunity to schedule your affidavit. The Board Agent told you that if you did not provide your Board affidavit by November 9, she would recommend that your charge be dismissed due to your lack of cooperation in the investigation. To date, you have neither contacted the Board Agent nor made any effort to provide evidence in support of your charge. Because you refused to cooperate in the investigation, I am dismissing your charge.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.


The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 28, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **November 27, 2018**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.


Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 28, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **November 28, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Terry D. Combs
Acting Regional Director

By: 
Scott C. Thompson
Officer in Charge

Enclosure

cc: American Postal Workers Union Local 1901
201 Piedmont Street
Reidsville, NC 27320

Amanda Hodges, Officer in Charge
United States Postal Service
210 Piedmont St
Reidsville, NC 27358

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
Law Department - NLRB Unit
1720 Market St, Rm 2400
St. Louis, MO 63155-9948