



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

July 18, 2018

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

Re: IBK Construction Group LLC
Case 29-CA-222444

National Organization of Industrial Trade
Unions, IUJAT (IBK Construction Group LLC)
Case 29-CB-222445

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

We have carefully investigated and considered your charges that IBK Construction Group LLC and National Organization of Industrial Trade Unions, IUJAT have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charges because of the lack of cooperation by the Charging Party.

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.

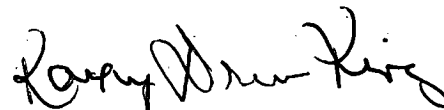
Appeal Due Date: The appeal is due on **August 1, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 1, 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 August 1, 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 August 1, 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,



KATHY DREW-KING
Regional Director

Enclosure

cc: Brian Pepper
National Organization of
Industrial Trade Unions, IUJAT
148-06 Hillside Avenue
Jamaica, NY 11435-3331

Jeffrey L. Kreisberg, ESQ.
Kreisberg & Maitland, LLP
75 Maiden Lane, #603
New York, NY 10038

Vlad Lyubarsky, Managing Member
IBK Construction Group LLC
617 Johnson Ave.
Brooklyn, NY 11237

Patrick Sinchak, CEO
IBK Construction Group LLC
617 Johnson Ave.
Brooklyn, NY 11237



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July 17, 2018

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

Re: Transport Workers Union Of America,
Local 252, AFL-CIO
Case 29-CB-217391

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

We have carefully investigated and considered your charge that Transport Workers Union of America, Local 252, AFL-CIO 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.nlrb.gov and:

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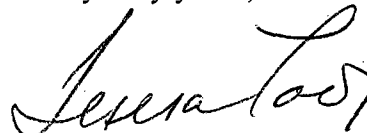
Appeal Due Date: The appeal is due on **July 31, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 30, 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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Very truly yours,



TERESA POOR
Acting Regional Director

Enclosure

cc: Edward J. Groarke, ESQ.
Colleran, O'Hara & Mills L.L.P.,
100 Crossways Park Drive West, Suite 200
Woodbury, NY 11797

Floyd Bus Company, Inc.
3 Grucci Lane
Brookhaven, NY 11719-9423

Transport Workers Union Of America,
Local 252, AFL-CIO
1377 Motor Pkwy, Ste 200
Islandia, NY 11749-5258



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July 27, 2018

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

Re: 1199 SEIU United Healthcare Workers East
(Wyckoff Heights Medical Center)
Case 29-CB-217423

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

We have carefully investigated and considered your charge that 1199 SEIU United Healthcare Workers East 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.nlrb.gov and:

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Appeal Due Date: The appeal is due on **August 10, 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 August 9, 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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Very truly yours,

/S/

KATHY DREW-KING
Regional Director

Enclosure

cc: Wyckoff Heights Medical Center
374 Stockholm St
Brooklyn, NY 11237-4006

Aleksandr L. Felstiner, ESQ.
Levy Ratner, P.C.
80 Eighth Avenue, 8th Floor
New York, NY 10011-7175

1199 SEIU United Healthcare Workers East - 3 - July 27, 2018
(Wyckoff Heights Medical Center)
Case 29-CB-217423

Coramina Mehr
1199 SEIU United Healthcare Workers
East
310 W 43rd St
New York, NY 10036-3981



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July 16, 2018

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

Re: Local 74 United Service Workers Union
(Whitsons Research Management)
Case 29-CB-217509

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

We have carefully investigated and considered your charge that Local 74 United Service 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.nlrb.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.nlrb.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.

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Appeal Due Date: The appeal is due on **July 30, 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 July 29, 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 July 30, 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 July 30, 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: Michael Herron, Business Rep.
Local 74 United Service Workers Union
36-36 33rd St Ste 202
Long Island City, NY 11106-2329

Zachary Harkin, ESQ.
O'Dwyer & Bernstien, LLP
52 Duane St Fl 5
New York, NY 10007-1250

Jasmine Y. Patel, ESQ.
Franklin, Gringer & Cohen, P.C.
666 Old Country Road, Suite 202
Garden City, NY 11750

Corinne Kevorkian, Senior Vice President,
Whitsons Research Management
1800 Motor Pkwy
Islandia, NY 11749-5216



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July 25, 2018

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

Re: International Brotherhood of Teamsters,
Local 282 (Iron Horse Transportation)
Case 29-CB-217801

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

We have carefully investigated and considered your charge that International Brotherhood of Teamsters, Local 282 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 International Brotherhood of Teamsters, Local 282 (Union) violated its duty of fair representation to you under Section 8(b)(1)(A) of the Act by offering you inadequate assistance in grievance meetings regarding your (b) (6), (b) (7)(C) 2017 discharge from your employer, Iron Horse Transportation (Employer).

A labor union owes a duty of fair representation to the employees it represents. *See Vaca v. Sipes*, 386 US 171 (1967). A union breaches this duty when its conduct toward a member of the bargaining unit is arbitrary, discriminatory, or in bad faith. *Id.* When a union takes a grievance to arbitration it becomes obligated to act as a grievant's advocate. *Teamsters Local 705*, 209 NLRB 292, 293 (1974). However, once at arbitration, a union's duty to a grievant it represents is not analogous to the duty owed by an attorney to a client. *Service Employees International Union*, 229 NLRB 692, fn. 2 (1977). At arbitration the union, rather than the grievant, has the right to determine what evidence is to be presented in support of the claim that the employer violated the contract. *Teamsters Local 54*, 223 NLRB 533 (1976). A grievant cannot equate lack of success at arbitration with bad faith. *Acuff, et al. v. United Paperworkers, AFL-CIO*, 404 F.2d 169 (5 Cir. 1968), cert. denied 394 U.S. 987 (1969).

In your case, the investigation revealed no evidence that the Union's conduct was either arbitrary, discriminatory, or in bad faith. Instead, the investigation revealed that on (b) (6), (b) (7)(C) 2017 the Union requested arbitration over your (b) (6), (b) (7)(C) 2017 discharge which was scheduled for hearing on (b) (6), (b) (7)(C) 2017. The evidence further establishes that the Union's counsel pursued the grievance adequately prior to and during the arbitration hearing. In that regard, the evidence establishes that the Union's counsel and Business Agent met with you sometime in (b) (6), (b) (7)(C) 2017 to evaluate the merits of your grievance, and about (b) (6), (b) (7)(C) 2017 to prepare you for

July 25, 2018

arbitration. The investigation revealed no evidence of hostility directed toward you at either of these meetings.

Moreover, the evidence adduced by the investigation shows that the Union advocated your position to the arbitrator. The evidence shows that the Union presented to the arbitrator your position that you did not abandon your job, and the arbitrator fully considered your defense. To that end, the Union entered into evidence text message conversations between you and the Union (b) (6), (b) (7)(C) as proof that you did not abandon your job, and the Union argued that the messages show that you made yourself available to shape on (b) (6), (b) (7)(C) 2017. Nevertheless, you claim that sometime in August 2017 the Union's counsel refused to subpoena the same text messages that the Union entered into evidence. The arbitrator considered those text messages in (b) (6), (b) (7)(C) decision, but rejected your contention that you did not abandon your job. Accordingly, the arbitrator found that, despite the Union's vigorous efforts to represent you, the Employer had just cause to discharge you.

Based on these facts, you have failed 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.

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Appeal Due Date: The appeal is due on August 8, 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 August 7, 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

July 25, 2018

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 August 8, 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 August 8, 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 282
2500 Marcus Avenue
Lake Success, NY

Travis M. Mastroddi
Building Material Teamsters, Local 282,
International Brotherhood of Teamsters
2500 Marcus Ave
Lake Success, NY 11042

International Brotherhood of Teamsters,
Local 282 (Iron Horse Transportation)
Case 29-CB-217801

- 4 -

July 25, 2018

Louis Mangea, Owner
Iron Horse Transportation, Inc.
43-10 57th Ave
Maspeth, NY 11378-2006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

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Fax: (718)330-7579

July 13, 2018

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

Re: SEIU Local 32BJ (Allied Universal
Security Services)
Case 29-CB-218722

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

We have carefully investigated and considered your charge that SEIU Local 32BJ 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.

The investigation showed that the Union investigated your grievance and that the Union's decision not to proceed to arbitration with your grievance was not made in bad faith or for any arbitrary or capricious reason.

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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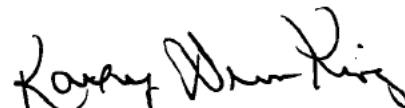
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Very truly yours,



KATHY DREW-KING
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
32BJ Local SEIU
25 West 18th Street
New York, NY 10011

SEIU Local 32BJ (Allied Universal Security - 3 - July 13, 2018
Services)
Case 29-CB-218722

Lyle Rowen, ESQ.
25 W 18th St.
New York, NY 10011-4677

Allied Universal
229 W. 36th Street
New York, NY 10018



UNITED STATES GOVERNMENT
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July 11, 2018

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

Re: LOCAL 74, USWU, IUJAT (Catholic
Cemeteries).
Case 29-CB-218944

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

We have carefully investigated and considered your charge that LOCAL 74 USWU, IUJAT 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:

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- 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 **July 25, 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 July 24, 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 July 25, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.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 July 25, 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,

/S/

KATHY DREW-KING
Regional Director

Enclosure

cc: Mike Herron
LOCAL 74 USWU, IUJAT
36-36 33rd Street
Long Island City, NY 11106

Catholic Cemeteries
2015 Wellwood Ave
Farmingdale, NY 11735-1220

Zachary Harkin, ESQ.
O'Dwyer & Bernstein, LLP
52 Duane St Fl 5
New York, NY 10007-1250



UNITED STATES GOVERNMENT
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Two Metro Tech Center
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Brooklyn, NY 11201-3838

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Fax: (718)330-7579

July 27, 2018

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

Re: Local 32BJ, SEIU (Allied Universal).
Case 29-CB-218949

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

We have carefully investigated and considered your charge that SEIU Local 32BJ 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.

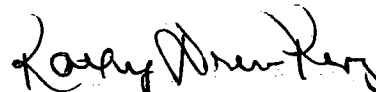
Appeal Due Date: The appeal is due on **August 10, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 9, 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 August 10, 2018**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.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 August 10, 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: Suzanne Sherman, Grievance Representative Lisa Zeppetelly, HR Manager
Service Employees International Union, Allied Universal
Local 32BJ 229 W. 36th Street,
25 West 18th St., New York, NY 10018
NEW YORK, NY 10011

Lyle Rowen, ESQ.
Local 32BJ, SEIU
25 W 18st., Fl 5,
New York, NY 10011-4676



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July 25, 2018

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

Re: Teamsters Local 802(Bimbo Bakery).
Case 29-CB-219056

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

We have carefully investigated and considered your charge that Teamsters Local 802 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.nlrb.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.nlrb.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 **August 8, 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 August 7, 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 August 8, 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 August 8, 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,

/s/

KATHY DREW-KING
Regional Director

Enclosure

cc: Jim Shannon
Teamsters Local 802
2151 Marion Place
Baldwin, NY 11510

Serge Ambroise, ESQ.
Cary Kane LLP,
1350 Broadway, Suite 1400,
New York, NY 10018

Andy Hall, Regional Supervisor
Bimbo Bakery
57-54 Page Place,
Maspeth, NY 11378

Glenn J. Smith, ESQ.
Seyfarth Shaw LLP
620 8th Avenue
New York, NY 10018

Kaitlyn Whiteside, Esquire
Seyfarth Shaw LLP
620 8th Avenue
New York, NY 10018



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July 16, 2018

Sheri Dorothy Preece, Counsel
Local 660, United Workers of America
1454 Route 22, Suite B101
Brewster, NY 10509

Re: Metropolitan Paper and Recycling (Local
175-P, United Plant and Production
Workers)
Case 29-CB-221264

Dear Ms. Preece:

We have carefully investigated and considered your charge that United Plant & Production Workers Local 175-P 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 **July 30, 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 July 29, 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 July 30, 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 July 30, 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,

/S/

KATHY DREW-KING
Regional Director

Enclosure

cc: Fred Clemenza
United Plant & Production Workers Local 175-P
99 Mineola Ave
Roslyn Heights, NY 11577-1269

Greg Bianco
Metropolitan Paper Recycling, Inc.
847 Shepherd Ave.,
Brooklyn, NY 11208



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Fax: (718)330-7579

July 9, 2018

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

Re: United Service Workers Union, Local 355
(Veteran's Transportation Inc.)
Case 29-CB-221282

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

We have carefully investigated and considered your charge that United Service Workers Union, Local 355 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 **July 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 July 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 July 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 July 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: Veteran's Transportation Inc.
20 Lynn Pl
Valley Stream, NY 11580-6002

Henry Cange, Business Agent
United Service Workers Union, Local 355
138-50 Queens Boulevard
Briarwood, NY 11435

United Service Workers Union, Local 355
(Veteran's Transportation Inc.)
Case 29-CB-221282

- 3 - July 9, 2018

Eric J. LaRuffa, Counsel
Rothman Rocco LaRuffa, LLP
3 West Main Street, Suite 200
Elmsford, NY 10523



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Fax: (718)330-7579

July 24, 2018

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

Re: Special and Superior Benevolent
Association (Defender Security Services
Inc.)
Case 29-CB-221748

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

We have carefully investigated and considered your charge that Special and Superior Benevolent Association 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 **August 7, 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 August 6, 2018. **If an appeal is postmarked or given to a**

Special and Superior Benevolent
Association (Defender Security Services
Inc.)
Case 29-CB-221748

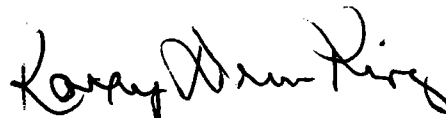
- 2 - July 24, 2018

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 August 7, 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 August 7, 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: Ray Monteleone
Defender Security Services Inc.
11011 72nd Avenue #1F
Forest Hills, NY 11375

Special and Superior Benevolent
Association (Defender Security Services
Inc.)
Case 29-CB-221748

- 3 - July 24, 2018

Frank Ayala, Vice President
Special and Superior Benevolent
Association
199 N Wellwood Ave
Lindenhurst, NY 11757-4003



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July 19, 2018

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

Re: Allied International Union (Allied
Universal Security)
Case 29-CB-222070

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

We have carefully investigated and considered your charge that Allied International 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 August 2, 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 August 1, 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

July 19, 2018

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** August 2, 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 August 2, 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,


KATHY DREW-KING
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
Allied International Union
2120 NORTH BRAZOSPORT BLVD
RICHWOOD, TX 77531

Allied Universal
199 Water Street,
New York, NY 10038