



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (303)844-3551  
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October 24, 2018

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

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Re: International Brotherhood of Boilermakers,  
Local S1978 (Bridger Coal Company)  
Case 27-CB-224215

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

We have carefully investigated and considered your charge that International Brotherhood of Boilermakers, Local S1978 (Union) has violated the National Labor Relations Act (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 failed to represent you during a grievance meeting. The investigation disclosed that no grievance meeting occurred. Rather, Employer representatives met with you and your union representative to communicate the outcome of the Employer's investigation into your recent absences and to announce its decision to terminate you. The investigation further disclosed that you and your union representative conferred privately and discussed your options, including grieving your termination or resigning in light of the case against you. The Union representative communicated to you that it was your decision whether to have the Union challenge the termination or for you to resign. Additionally, (b) (6), (b) (7)(C) informed you that a grievance could be filed over a termination but not a resignation. The investigation disclosed that you opted to resign voluntarily. Accordingly, in the absence of evidence that the Union acted arbitrarily, discriminatorily or in bad-faith, or that you were coerced into resigning, there is insufficient evidence that the Union violated the Act as alleged. 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](http://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](http://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 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 November 6, 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.

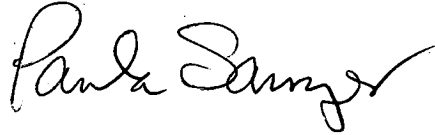
**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** November 7, 2018. The request may be filed electronically through the ***E-File Documents*** link on our website [www.nlr.gov](http://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 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.

**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

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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, appearing to read "Paula Sawyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

PAULA SAWYER  
Regional Director

Enclosure

cc: Rick Keller, Surface Mine Manager  
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