



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

December 21, 2017

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

Re: American Postal Workers Union,
Midland Local 1696
(United States Postal Service)
Case No. 16-CB-203216

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

We have carefully investigated and considered your charge that **American Postal Workers Union, Midland Local 1696** has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that within the past six months, the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to include you and other employees in grievances and grievance settlements regarding overtime and the use of 204(b) temporary supervisors for arbitrary or discriminatory reasons or in bad faith.

The investigation revealed insufficient evidence to find that the Union breached its obligation to fairly represent you regarding your inclusion in grievances and grievance settlements regarding overtime and the use of 204(b) temporary supervisors because of your non-membership in the Union. The investigation disclosed that the Union did file a grievance on behalf of employees working in the manual section regarding overtime and a grievance involving Level 7 clerks regarding the use of 204(b) temporary supervisors. The evidence showed the Union has a valid explanation for not including you in the recent grievance settlements since you are not part of the manual section or Level 7 clerks that were impacted by the Employer's actions because you are in the (b) (6), (b) (7)(C) and a (b) (6), (b) (7)(C). In addition, the evidence shows that the Union included non-union members in the most recent settlements.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The Union's decision of not including you in the overtime and 204(b) grievances and settlements was not motivated by arbitrary, discriminatory or bad faith reasons. Based on these facts and the absence of any evidence of unlawful motive in the Union's decision in not including you in the grievance and grievance settlements, I am dismissing your charge and refusing to issue a Complaint.

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 **January 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 January 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 January 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 **January 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

December 21, 2017

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/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MR. CLIFF EDGERTON,
PLANT MANAGER
UNITED STATES POSTAL SERVICE
10000 LOOP 40
MIDLAND, TX 79711-9996

MR. RODERICK D. EVES,
DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT-NLRB
1720 MARKET STREET, ROOM 2400
ST. LOUIS, MO 63155-9948

MR. DAN TARANGO, VICE PRESIDENT
AMERICAN POSTAL WORKERS UNION,
MIDLAND LOCAL 1696
POST OFFICE BOX 60673
MIDLAND, TX 79711-0673



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

December 28, 2017

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

Re: United Automobile Workers, Local 119
(Flex-N Gate)
Case No. 16-CB-203997

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

We have carefully investigated and considered your charge that **United Automobile Workers, Local 119** 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.

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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/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: FLEX-N-GATE
2400 CENTENNIAL DRIVE
ARLINGTON, TX 76011-6609

MR. J. B. BROWN,
UNION REPRESENTATIVE
UNITED AUTOMOBILE WORKERS,
LOCAL 119
3825 CEDAR SPRINGS ROAD,
SUITE 119
DALLAS, TX 75219



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
Telephone: (303)844-3551
Fax: (303)844-6249

December 27, 2017

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

Re: American Postal Workers Union, Local 6768
(USPS)
Case 16-CB-206284

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

We have carefully investigated and considered your charge that American Postal Workers Union, Local 6768 has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by restraining and coercing employees in the exercise of rights protected under the Act by refusing to process your grievances and by engaging in harassing and threatening behavior towards you. The evidence, however, does not establish that the Union violated the Act as alleged. You state that you have been a full dues-paying member of the Union so there is not any evidence to establish that lack of membership or failure to pay dues caused the Union to fail to represent you. Nor does the evidence show that the Union failed to represent you because you engaged in activity against the Union or for any other impermissible reason. Moreover, the evidence does not establish that the Union engaged in any conduct toward you for arbitrary or irrational reasons or in bad faith. You state that you were not satisfied with the representation that the Union provided to you in connection with one or more investigatory interviews, but the evidence is insufficient to establish that the Union's conduct was so unreasonable as to constitute a violation of the Act. Additionally, the evidence does not establish that the Employer took any disciplinary action against you after these investigative interviews. Furthermore, there is no evidence that you brought other matters to the attention of the Union within the time period covered by this charge which, under Section 10(b) of the Act, began six months before you filed the charge. I am, therefore, refusing to issue complaint.

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.

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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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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** January 10, 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 January 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.

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Very truly yours,



PAULA SAWYER
Regional Director

Enclosure

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

American Postal Workers Union, Local
6768 (USPS)
Case 16-CB-206284

- 3 - December 27, 2017

Marcus Hawley, Pres.
American Postal Workers Union, Local 6768
P.O. Box 1914
Allen, TX 75013-0034



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St-Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

December 26, 2017

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case 16-CB-206510

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

We have carefully investigated and considered your charge that NATIONAL RURAL LETTER CARRIERS ASSOCIATION has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that during the six month period prior to September 20, 2017, the National Rural Letter Carriers Association refused to process numerous grievances for you for arbitrary or discriminatory reasons or in bad faith.

The evidence established that the Union processed a number of grievances on your behalf and that the Union did not violate its duty of fair representation in the processing of those grievances or in its decision not to process other grievances. The investigation disclosed no evidence that the Union's decisions with respect to your grievances were arbitrary, discriminatorily motivated, or in bad faith.

Based on the foregoing, I am dismissing your charge and refusing to issue a Complaint herein.

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**

December 26, 2017

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 **January 9, 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 January 8, 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,



TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

December 26, 2017

cc: ABBRA SHEPHERD, SUPERVISOR
 UNITED STATES POSTAL SERVICE
 5560 FM 1640 RD
 RICHMOND, TX 77469-9998

RODERICK D. EVES
DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
(LAW DEPARTMENT - NLRB UNIT)
1720 MARKET STREET
RM 2400
ST. LOUIS, MO 63155-9948

JOY D. THOMPSON
PARALEGAL SPECIALIST
UNITED STATES POSTAL SERVICE
(LAW DEPT. - NLRB UNIT)
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RM. 2400
ST. LOUIS, MO 63155-9948

KENNETH LEJEUNE
NATIONAL RURAL LETTER
CARRIERS ASSOCIATION
PO BOX 282
MAGNOLIA, TX 77353-0282

JEAN MARC FAVREAU, ESQ.
PEER, GAN & GISLER LLP
1730 RHODE ISLAND AVE, NW
STE 715
WASHINGTON, DC 20036



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

December 19, 2017

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

Re: United Food and Commercial Workers,
Local 455 (Kroger)
Case No. 16-CB-206614

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

We have carefully investigated and considered your charge that **United Food and Commercial Workers, Local 455** has violated the National Labor Relations Act.

Decision to Dismiss: The charge alleges that within the past six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to provide you with information related to your grievance for arbitrary or discriminatory reasons or in bad faith.

The investigation disclosed that you provided your sworn testimony to the assigned Board agent by telephone on November 17, 2017. On November 17, 2017, the Board agent sent your sworn affidavit to you by email for your review and signature and requested you return your signed affidavit by November 21, 2017.

On November 21, 2017, after not receiving your signed affidavit, the Board agent called you to ask if you had been able to review the affidavit. A voice message was left requesting you return the agent's call. Several attempts were made by the agent to reach you by phone and voice messages requesting you to call the Board agent were left on December 4 and December 8, 2017. To date, no response has been received from you.

On December 11, 2017, the assigned Board agent sent you a letter setting forth a final deadline of close of business on December 13, 2017, to return your signed affidavit to our office. The letter informed you that your charge could be dismissed if you did not return your signed affidavit by the deadline. The letter further advised you of Section 10(b) of the Act which provides that a charge must be filed with the National Labor Relations Board and served on the charged party within six months of the conduct alleged to be unlawful. To date, you have neither returned your signed affidavit, nor contacted the investigating Board agent to express your intent regarding your affidavit.

Accordingly, I am refusing to issue a Complaint in this matter and I am dismissing your charge for lack of cooperation.

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,
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Appeal Due Date: The appeal is due on **January 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 January 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.

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December 19, 2017

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure

cc: MS. BRENDA SNYDER,
STORE MANAGER
KROGER
24401 BRAZOS TOWN XING
ROSENBERG, TX 77471-6268

(b)(6), (b)(7)(C)
UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 455
121 NORTHPOINT DRIVE
HOUSTON, TX 77060-3207



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

December 14, 2017

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

Re: American Postal Workers Union, National
Union (United States Postal Service,
General Mail Facility)
Case 16-CB-208062

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION, NATIONAL UNION has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: The charge alleges that within the past six months, the Union violated Section 8(b)(1)(A) of the Act by refusing to provide adequate representation to you concerning your grievance for arbitrary or discriminatory reasons or in bad faith.

Contrary to the charge allegations, the evidence failed to establish that the Union refused to provide adequate representation to you concerning your grievance. Similar charge allegations and evidence were fully considered in prior Case 16-CB-169591, which was dismissed on May 27, 2016, and Case 16-CB-197314, which was dismissed on July 17, 2017. In the instant case, you failed to provide any new evidence meriting reconsideration of the prior decisions or new evidence sufficient to support a finding that the Union refused to provide you adequate representation in a subsequent grievance.

Accordingly, I am refusing to issue a Complaint on the allegation that the Union violated Section 8(b)(1)(A) of the Act by refusing to provide you with adequate representation concerning your grievance for arbitrary or discriminatory reasons or in bad faith.

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

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American Postal Workers Union, National - 3 - December 14, 2017
Union (United States Postal Service,
General Mail Facility)
Case 16-CB-208062

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 "Timothy L. Watson". The signature is fluid and cursive, with the first name "Timothy" and last name "Watson" clearly distinguishable.

Timothy L. Watson
Regional Director

Enclosure

cc: ED GOMEZ, MANAGER OF
 TRANSPORTATION AND
 NETWORKS
 UNITED STATES POSTAL SERVICE,
 GENERAL MAIL FACILITY
 10410 PERRIN BEITEL RD
 SAN ANTONIO, TX 78284-8400

RODERICK D. EVES, DEPUTY
MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
1720 MARKET ST, RM 2400
ST. LOUIS, MO 63155-9948

JACK CRAWFORD
AMERICAN POSTAL WORKERS
UNION, NATIONAL UNION
11811 N FWY, STE 385
HOUSTON, TX 77060-3250