



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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

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

January 30, 2017

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

Re: National Postal Mail Handlers Union,  
Local 311 (United States Postal Service)  
Case No. 16-CB-185794

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

We have carefully investigated and considered your charge that **National Postal Mail Handlers Union, Local 311** has violated the National Labor Relations Act.

**Decision to Dismiss:** Your charge alleges the following two allegations: since about August 27, 2016, 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 include you in a settlement of overtime grievances for arbitrary or discriminatory reasons or in bad faith and since about August 27, 2016, the Union misled you regarding inclusion in a settlement of overtime grievances.

The investigation revealed insufficient evidence to find that the Union breached its obligation to fairly represent you regarding your inclusion in the settlement. The evidence showed that the Union's initial decision to exclude you from the settlement was reasonable as you were not an active employee at that time. After you returned to employment, Union officials attempted to include you in the settlement distribution, but were unsuccessful in their efforts. The investigation disclosed that the Union's failure to include you in the settlement amounted to mere negligence and was not motivated by arbitrary, discriminatory or bad faith reasons. Likewise, the Union's communications to you about the status of your inclusion in the settlement were not made in bad faith, even if they were ultimately incorrect.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. Based on this fact and the absence of any evidence of unlawful motive in the Union's handling of the issue, I am dismissing 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the

January 30, 2017

detailed instructions. 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.

**Appeal Due Date:** The appeal is due on **February 13, 2017**. 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 February 12, 2017. **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 February 13, 2017**. The request may be filed electronically through the ***E-File Documents*** link on our website [www.nlrb.gov](http://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 **February 13, 2017, 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/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

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

UNITED STATES POSTAL SERVICE  
4600 MARK IV PARKWY  
FORT WORTH, TX 76161

MR. JACK BELL, PRESIDENT  
NATIONAL POSTAL MAIL  
HANDLERS UNION, LOCAL 311  
4600 MARK IV PARKWAY  
FORT WORTH, TX 76161



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January 24, 2017

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

Re: National Association of Letter Carriers,  
Branch 4065 (United States Postal Service)  
Case No. 16-CB-187062

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers, Branch 4065** has violated the National Labor Relations Act.

**Decision to Dismiss:** The above-captioned charge was filed on October 26, 2016, alleging the Union failed to process the Charging Party's grievance in bad faith and for arbitrary or discriminatory reasons.

The assigned Board Agent left a telephone message for the Charging Party on December 7, 2016, seeking the presentation of evidence in support of the charge but did not receive a return phone call. The Board Agent called the Charging Party again on December 13, 2016, but was unable to leave a voicemail message because the Charging Party's mailbox was full. That same day, the Board Agent sent the Charging Party a letter soliciting cooperation with the investigation. In that letter, the Charging Party was advised of the Board's 10(b) statute of limitations and provided a deadline of December 20, 2016, to present evidence in support of the charge.

To date, the Charging Party has failed and/or refused to present any evidence. Based on the foregoing, I am dismissing the charge for lack of cooperation and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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**

January 24, 2017

**Street SE, Washington, DC 20570-0001.** Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **February 7, 2017**. 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 February 6, 2017. **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 February 7, 2017**. 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 **February 7, 2017, 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/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

January 24, 2017

cc: MR. RANDY HOFFMAN, SUPERVISOR  
UNITED STATES POSTAL SERVICE  
2901 WEST PARKER ROAD  
PLANO, TX 75023-9998

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

(b)(6), (b)(7)(C) SHOP STEWARD  
NATIONAL ASSOCIATION OF LETTER  
CARRIERS, BRANCH 4065  
2901 WEST PARKER ROAD  
PLANO, TX 75023-9998



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January 20, 2017

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

Re: International Longshoremen's Association,  
Local 24 (West Gulf Maritime Association)  
Case 16-CB-187412

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

We have carefully investigated and considered your charge that INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 24 has violated the National Labor Relations 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.

On October 31, 2016, you filed the above-referenced charge against the International Longshoremen's Association, Local 24 (Union), alleging it violated Section 8(b)(1)(A) and (2) of the Act by denying you training and issuing you a nonreferral letter on October 1 and 21, 2016, respectively, in retaliation for your Section 7 activities. Furthermore, you allege the Union discriminated against you in retaliation for your union activities by finding against you when you filed internal union charges against members and then finding in favor of members who have filed internal union charges against you.

Beginning on January 8, 2017, you were contacted to schedule your affidavit in support of your charge. You refused to schedule a time and date certain for the presentation of your affidavit. On January 11 and 12, 2017, you were advised your opening affidavit was due at the Houston Resident Office by January 17, 2017, at 9:00 a.m. You did not suggest an alternate date or time for the presentation of your affidavit. You were also reminded that in order for a charge to be timely, it must be filed and served within six months of the alleged unlawful incident.

On January 17, 2017, you failed to appear at the Houston Resident Office to give an affidavit in support of your charge. Inasmuch as you have refused to present an affidavit in support of your charge, I am dismissing your charge for a lack of 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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.

**Appeal Due Date:** The appeal is due on **February 3, 2017**. 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 February 2, 2017. **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 February 3, 2017**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlrb.gov](http://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 February 3, 2017, **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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International Longshoremen's Association, - 3 - January 20, 2017  
Local 24 (West Gulf Maritime Association)  
Case 16-CB-187412

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/ Martha Kinard

MARTHA KINARD  
Regional Director

Enclosure

cc: JOHN MAMOU, PRESIDENT  
INTERNATIONAL  
LONGSHOREMEN'S ASSOCIATION,  
LOCAL 24  
7811 HARRISBURG BLVD  
HOUSTON, TX 77012-1503

CHELSEA EGMON  
WEST GULF MARITIME  
ASSOCIATION  
1717 TURNING BASIN DR  
STE 200  
HOUSTON, TX 77029-4018



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January 17, 2017

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

Re: National Association of Letter Carriers,  
Branch 3867 (United States Postal Service)  
Case No. 16-CB-188496

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers, Branch 3867** has violated the National Labor Relations Act.

**Decision to Dismiss:** Your charge, filed on November 18, 2016, alleges the National Association of Letter Carriers, Branch 3867 breached its duty of fair representation in violation of Section 8(b)(1)(A) of the Act by refusing to process grievances on your behalf and by refusing to provide you information concerning your grievances.

On December 6, the Board agent made an appointment to take your affidavit on December 9. You were unprepared to give your affidavit on December 9. On December 13, the Board agent scheduled your affidavit for December 14. When the Board agent called you on December 14, you said you could not testify because you did not have your paperwork with you and that you had forgotten about the appointment. Your affidavit was rescheduled for December 21 and the Board agent called you on December 20 to remind you of the appointment. You failed to answer the phone when the Board agent called you on December 21. On December 22, the Board agent sent you a letter asking you to call her by 3:00 p.m. on December 27 to reschedule your affidavit or the Board agent would be forced to recommend that the charge be dismissed for failure to cooperate in the investigation. Therein, you were also reminded that in order for a charge to be considered timely, it must be filed within six (6) months from the date of the incident. You did not respond.

Because of your failure to cooperate in the investigation, I am refusing to issue Complaint in this matter and am dismissing the charge.

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January 17, 2017

[www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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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Very truly yours,

/s/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

cc: MS. KIM CHARLES-SALINAS,  
POSTMASTER  
UNITED STATES POSTAL SERVICE  
3519 EAST WALNUT STREET  
PEARLAND, TX 77581-9998

MR. RODERICK D. EVES,  
DEPUTY MANAGING COUNSEL  
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MR. RODNEY THOMPSON, PRESIDENT  
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