



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 25
575 N Pennsylvania St Ste 238
Indianapolis, IN 46204-1520

Agency Website: www.nlr.gov
Telephone: (317)226-7381
Fax: (317)226-5103

September 28, 2018

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

Re: United States Postal Service
Cases 25-CA-222418 and 25-CB-222439

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

We have carefully investigated and considered your charges that the United States Postal Service and National Postal Mailhandlers Union Local 304 have violated the National Labor Relations Act and the Postal Reorganization Act.

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

Your charge against the United States Postal Service alleges numerous violations of the Act. However, all of the allegations occurred more than six months prior to the filing of the charge and are, therefore, barred by Section 10(b) of the Act. Moreover, several of the allegations do not constitute cognizable claims under the Act, including allegation 3, allowing co-workers to remain in their roles despite egregious safety violations; allegation 5, placing junior level employees in your former position; allegation 6, regarding your loss of income as a result of not being allowed to retain your former work; allegation 8, failing to provide you with requested work-related notices; and allegation 9, pertaining to the sullyng of your reputation.

Your charge against the Union alleges that it violated the Act by instructing stewards not to process grievances unless the grievant completes a PS-Form 13 or prepares some other written account in support of their grievances. However, assuming *arguendo* that such a requirement was implemented, it was announced at least two years ago, and, thus, is barred by Section 10(b).

Accordingly, based on the foregoing, I am refusing to issue Complaint in either of these cases.

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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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.

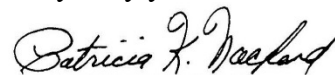
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Very truly yours,



PATRICIA K. NACHAND
Regional Director

Enclosure

cc: Roderick D. Eves, Deputy Managing
Counsel
United States Postal Service
1720 Market Street
Rm 2400
St. Louis, MO 63155-9948

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United States Postal Service
Law Department - NLRB Unit
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St. Louis, MO 63155-9948

United States Postal Service
7451 Tempelhof Dr
Indianapolis, IN 46241-9530



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 33
101 SW Adams St
Suite 400
Peoria, IL 61602

Agency Website: www.nlr.gov
Telephone: (309)671-7080
Fax: (309)671-7095

September 28, 2018

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

Re: Performance Food Service
Case 25-CA-223728

Chauffeurs Teamsters and Helpers Local
Union 371 (Performance Food Service)
Case 25-CB-223736

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

We have carefully investigated and considered your charges that Performance Food Service and Chauffeurs Teamsters and Helpers Local Union 371 have 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.

In Case 25-CA-223728, your charge alleges that the Employer violated Section 8(a)(1) and (3) of the Act by terminating you for engaging in union and/or protected concerted activity. The investigation, however, disclosed insufficient evidence to support this allegation. Rather, the investigation revealed that you were terminated for a violation of the Employer's attendance policy, which is a legitimate non-discriminatory reason for your termination.

In Case 25-CB-223736, your charge alleges that the Union failed to represent you in the processing of your termination grievance for arbitrary or discriminatory reasons or in bad faith. The evidence is insufficient to establish that the Union's actions were based on discriminatory or arbitrary conduct. Rather, the evidence shows that the Union decided not to pursue your grievance solely because it did not think it could win at arbitration. The evidence also shows that the Union communicated its decision to you.

In these circumstances, I am refusing to issue complaint and am dismissing your charges.

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Very truly yours,

PATRICIA K. NACHAND
Regional Director

By: 
NATHANIEL E. STRICKLER
Officer in Charge

Enclosure

cc: (b) (6), (b) (7)(C)
Performance Food Service
8001 51st St W
Rock Island, IL 61201-7315

Ross Gardner, Attorney
Jackson Lewis, LLP
10050 Regency Circle, Suite 400
Omaha, NE 68114-3721

Girard Jeep Carns, Secretary-Treasurer
International Brotherhood of Teamsters
Local Union No 371
101 31st Ave
Rock Island, IL 61201-5916



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September 28, 2018

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

Re: CONAGRA BRANDS
Case 25-CA-225304

UFCW Local 700 (Conagra Brands)
Case 25-CB-221443

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

We have carefully investigated and considered your charges that CONAGRA BRANDS and UFCW Local 700 have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss Case 25-CA-225304 against the Employer because there is insufficient evidence to establish a violation of the Act.

Conditional Decision to Dismiss: Based on the investigation, it also appears that portions of your charge against the Union in 25-CB-221443 may have merit. In this charge, you allege the Union breached its duty of fair representation by withdrawing your grievance prior to arbitration. While the evidence disclosed during the investigation did not establish that the Union's decision to withdraw the underlying grievance was motivated by arbitrary, discriminatory or invidious considerations, the Union did not respond to a request in your appeal for an explanation. Although that aspect of your charge may have merit, I have conditionally decided to dismiss the charge six months from today because 1) there have not been any meritorious charges against the Union within the past several years, 2) the conduct at issue is isolated in nature, and 3) you are no longer a member of this bargaining unit. If a meritorious charge involving other unfair labor practices is filed against the Union during that period, I will reconsider whether further proceedings on this charge are warranted.

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

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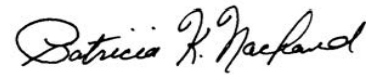
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Very truly yours,



PATRICIA K. NACHAND
Regional Director

Enclosure

cc: Laura L. Malugade, Attorney
Husch Blackwell LLP
555 East Wells Street
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Hillary L. Klein, Attorney
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CONAGRA BRANDS
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221 N LaSalle St Ste 1550
Chicago, IL 60601-1224



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September 28, 2018

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

Re: UAW Local 933 (Allison Transmission,
Inc.)
Case 25-CB-221875

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

We have carefully investigated and considered your charge that UAW Local 933 has violated the National Labor Relations Act.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss the portion of the charge that relates to your information request to the Union for (1) copies of the grievances and settlements concerning contracting; (2) the amounts of payments; (3) what methods/requirements were utilized to arrive at the division of the payments to the memberships; and (4) who made the decision for the payouts of the settlements. There is insufficient evidence that this information is relevant. The remaining allegations that the Union violated Section 8(b)(1)(A) of the Act by refusing to give you the names of the employees who received the grievance settlement proceeds remain subject to further processing.

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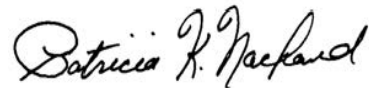
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Very truly yours,



PATRICIA K. NACHAND
Regional Director

Enclosure

UAW Local 933 (Allison Transmission,
Inc.)
Case 25-CB-221875

- 3 - September 28, 2018

cc:

(b) (6), (b)

(7)(C)
UAW Local 933
2320 S Tibbs Ave
Indianapolis, IN 46241

James A Britton, Attorney
International Union United Automobile
Aerospace and Agricultural Implement
Workers of American
8000 East Jefferson Avenue
Detroit, MI 48214

Tony Harbin
Allison Transmission, Inc.
1 Allison Way
Indianapolis, IN 46222-5200



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September 28, 2018

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

Re: UAW Local 933 (Allison Transmission)
Case 25-CB-222613

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

We have carefully investigated and considered your charge that UAW Local 933 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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Enclosure

cc: Emmanuel V.R. Boulukos, Attorney
ICE MILLER LLP
One American Sq Ste 2900
Indianapolis, IN 46282-0019

Allison Transmission
1 Allison Way
Indianapolis, IN 46222-5200

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

UAW Local 933
2320 S Tibbs Ave
Indianapolis, IN 46241



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September 25, 2018

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

Re: United Auto Workers, Local 2339
(Intat Precision, Inc.)
Case 25-CB-226197

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

We have carefully considered your charge that United Auto Workers, Local 2339 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 August 27, 2018, the Board Agent assigned to investigate your charge contacted you and requested that you provide her with a date when you could meet with her to provide your evidence. You informed the Board Agent that you would contact her on August 31, 2018, to set up an appointment; however you failed to do so.

On August 30, 2018, the Board Agent sent you a letter informing you that she was not able to get through to you on the phone number you provided on the face of your charge and requesting that you contact her by September 13, 2018, in order to schedule your affidavit. The letter also stated that your failure to contact the Board Agent might result in the dismissal of the charge for lack of cooperation. The Board Agent thereafter continued to try to contact you on September 5, 2018, and September 7, 2018, by phone and left messages requesting that you call her back; you failed to contact the Board Agent by September 13, 2018, as requested.

The Board Agent sent you another letter dated September 14, 2018, and scheduled your affidavit for September 24, 2018. The letter stated that if you failed to contact the Board Agent or appear for your scheduled appointment that your charge might be dismissed for lack of cooperation. You failed to appear for your scheduled appointment or call to explain your absence. Dismissal of the charge for your lack of cooperation in the investigation is appropriate under these circumstances.

If you wish to re-file 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.

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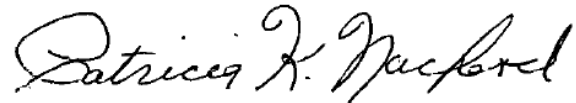
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Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive style with a large initial "P".

PATRICIA K. NACHAND
Regional Director

Enclosure

cc: Ron Ellis
Intat Precision, Inc.
2148 N State Road 3
Rushville, IN 46173-9302

Kyle Eaton
United Auto Workers, Local 2339
2148 N State Road 3
Rushville, IN 46173-9302