



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

November 26, 2018

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

Re: Sheet Metal Workers Local 19  
(Direct Air Phila. Inc.)  
Case 04-CB-221102  
and  
Direct Air Phila. Inc.  
Case 04-CA-222342

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

We have carefully investigated and considered your charges that Sheet Metal Workers Local 19 and Direct Air Phila. Inc. have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I find that portions of the above-referenced charges lack merit for the reasons discussed below.

The charge in Case 4-CA-222342 alleges that the Employer discharged you at the request of the Union in violation of Section 8(a)(1) and (3) of the Act. The allegation remains pending to the extent it involves conduct from April 8 to June 10. However, I am dismissing the allegation that the Employer discharged you after (b) (6), (b) (7)(C) because the Joint Apprenticeship and Training Fund of Philadelphia (JATF) expelled you from the apprenticeship training program on (b) (6), (b) (7)(C). The Union and the Employer are parties to a multi-employer collective bargaining agreement, effective from May 1, 2016 to April 30, 2019. The JATF administers a sheet metal workers' apprenticeship program, in which you were enrolled. The collective-bargaining agreement required that you be enrolled in this program to work as an apprentice for the Employer. The JATF is comprised of an equal number of Trustees appointed by the Union and the Sheet Metal Contractors Association. The evidence established that the JATF removed you from the program by letter dated (b) (6), (b) (7)(C) 2018, for performing unreported sheet metal work for cash and for not conducting yourself in a "credible, ethical and moral manner." Once you were removed from the apprenticeship program, the collective-bargaining agreement between the Union and the Employer prohibited your continued employment as an apprentice. See e.g., *Painters Local 277 (Polis Wallcovering Co.)*, 262 NLRB 1336, 1340 (1982). Because the JATF removed you from the apprentice program, I find that the Employer did not violate Section 8(a)(1) and (3) of the Act by discharging you on (b) (6), (b) (7)(C) 2018, and I am refusing to issue Complaint on this allegation.

The charge in Case 4-CB-221102 alleges that the Union violated Section 8(b)(1)(A) and (2) of the Act by falsely accusing you, bringing you up on internal Union charges, refusing to schedule your trial on internal Union charges, expelling you from the Union, fining you, cutting your Union benefits, and causing the Employer to discharge you. With regard to the allegations that the Union caused the Employer to discharge you, these allegations are pending to the extent they involve conduct from April 8 to June 10. Based on the same reasoning as described above, I find that the allegation that the Union unlawfully caused your discharge after [REDACTED] lacks merit because the JATF, and not the Union, expelled you from the apprenticeship training program based on allegations of your improper conduct. There is insufficient evidence that the JATF's actions towards you were directed by Union officials. However, even assuming that the JATF's actions were taken at the behest of the Union, there was insufficient evidence to conclude that those actions were based on any arbitrary, irrelevant or invidious considerations. Accordingly, I am refusing to issue Complaint as to the allegation that the Union caused your discharge on [REDACTED] 2018.

With respect to the remaining allegations in Case 04-CB-221102, I have determined that the evidence is insufficient to establish violations of the Act. The evidence disclosed that the Union proceeded on internal charges upon receiving a claim that you performed unreported sheet metal work for a contractor believed to be a non-compliant signatory employer and worked for cash in violation of the Union's constitution. You were adequately notified of the charge and the trial date of [REDACTED] but declined to attend. A trial board determined after hearing evidence that you violated the Union's constitution. As a result, you were fined and expelled from Union membership and given the right to appeal. Your expulsion from the Union does not prevent you from using the Union's hiring hall to obtain work. The Board will generally not involve itself in internal Union matters absent a connection to employment, and it would not be appropriate to do so here. *Office Employees Local 251 (Sandia National Laboratories)*, 331 NLRB 1417 (2000). Accordingly, I am refusing to issue Complaint as to these matters.

**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 **Monday, December 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 **Sunday, December 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 Monday, December 10, 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 **Monday, December 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,

/s/ Dennis P. Walsh  
DENNIS P. WALSH  
Regional Director

Enclosure

Sheet Metal Workers Local 19  
(Direct Air Phila. Inc.)  
Case 04-CB-221102

- 4 -

cc: Mr. Gary Masino  
Sheet Metal Workers Local 19  
1301 S. Columbus Boulevard  
Philadelphia, PA 19147-5588

Martin W. Milz, Esquire  
Spear Wilderman, P.C.  
230 S. Broad Street, Suite 1400  
Philadelphia, PA 19102-4104

Sal Campagna, Co-Owner  
Direct Air Phila. Inc.  
2431 Reed St  
Philadelphia, PA 19146-4000

Adam E. Gersh, Esquire  
Flaster Greenberg, P.C.  
Commerce Center Building B  
1810 Chapel Avenue West  
Cherry Hill, NJ 08002-4606



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

November 29, 2018

Karl A. Fritton, Esquire  
Reed Smith LLP  
Three Logan Square, Suite 3100  
1717 Arch Street  
Philadelphia, PA 19103-2762

Re: International Brotherhood of Electrical  
Workers Local 614  
(PECO Energy Company)  
Case 04-CB-224785

Dear Mr. Fritton:

We have carefully investigated and considered your charge that International Brotherhood of Electrical Workers, AFL-CIO, Local 614 has violated the National Labor Relations Act.

**Decision to Dismiss:** As a result of the investigation, I find that the charge lacks merit. The investigation disclosed insufficient evidence that (b) (6), (b) (7)(C) for IBEW, Local 614, engaged in conduct in violation of Section 8(b)(1)(A) or (B) of the Act. The statements allegedly made by (b) (6), (b) (7)(C) to a statutory supervisor employed by the Employer in the position of (b) (6), (b) (7)(C) to the effect that (b) (6) could not protect the supervisor because some of the employees would be upset if the Union lost the election, and (b) (6) did not know what they would do, did not constitute restraint and coercion of employees within the meeting of Section 8(b)(1)(A) of the Act. The statements were directed only to a statutory supervisor by telephone and were not made to or in the presence of any employees. With respect to the Section 8(b)(1)(B) allegation, although the statements were made to the supervisor the following day after the supervisor had testified at a Board representation hearing, there is insufficient evidence that the statements were made to a representative of the Employer for the purposes of collective bargaining or grievance adjustment. Therefore, there is no basis for finding that the Union's conduct violated Section 8(b)(1)(B) of the Act. Accordingly, I am 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 **December 13, 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 December 12, 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 December 13, 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 December 13, 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/ Dennis P. Walsh

DENNIS P. WALSH  
Regional Director

Enclosure

cc: PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19103

Larry Anastasi, Business Manager  
International Brotherhood of Electrical Workers  
Local 614  
4613 W. Chester Pike  
Newtown Square, PA 19073-2211

Charles T. Joyce, Esquire  
Spear Wilderman, P.C.  
230 S. Broad Street, Suite 1400  
Philadelphia, PA 19102-4104





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

November 30, 2018

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

Re: United Auto Workers Local 2327 (Elwyn  
of New Jersey)  
Case 04-CB-225532

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

We have carefully investigated and considered your charge that United Auto Workers Local 2327 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.

You allege that the Union violated Section 8(b)(1)(A) of the National Labor Relations Act by removing you as (b) (6), (b) (7)(C) and by allowing (b) (6), (b) (7)(C) to serve in a management position although (b) (6), (b) (7)(C) is a Union officer. The investigation revealed that the Union removed you as (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) 2018 because you solicited members from another union at the Employer's facility to join the Auto Workers Local 2327. You continued to serve as a (b) (6), (b) (7)(C) until you voluntarily resigned this position in (b) (6), (b) (7)(C) 2018. Section 10(b) of the Act precludes the General Counsel from issuing Complaint based on any unfair labor practice occurring more than six months prior to the filing and service of the charge. As you did not file the amended charge alleging your removal until October 10, 2018, your allegation is time barred under Section 10(b) of the Act. Even if the allegation was not time barred, the Union's decision to remove you as (b) (6), (b) (7)(C) was an internal union matter that did not affect your employment relationship with the Employer and thus did not violate Section 8(b)(1)(A) of the Act. *See Office Employees Local 251 (Sandia National Laboratories)*, 331 NLRB 1417 (2000). In addition, there was insufficient evidence showing that (b) (6), (b) (7)(C) served as a (b) (6), (b) (7)(C) while being a Union officer or that (b) (6), (b) (7)(C) had any managerial authority over you that affected your employment relationship with the Employer. Therefore, there is no basis for a finding that the Union acted in an arbitrary, capricious or invidious manner in violation of Section 8(b)(1)(A) of the Act. Accordingly, I am 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 **December 14, 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 December 13, 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 December 14, 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 December 14, 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

United Auto Workers Local 2327 (Elwyn of - 3 - November 30, 2018  
New Jersey)  
Case 04-CB-225532

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/ Dennis P. Walsh

DENNIS P. WALSH  
Regional Director

Enclosure

cc: Sandy Urban, President  
United Auto Workers Local 2327  
598-600 Shiloh Pike  
Bridgeton, NJ 08302

Regina Hertzig  
325 Chestnut St  
Ste 200  
Philadelphia, PA 19106-2602

Richard Berry, Director  
Elwyn of New Jersey  
1667 E. Landis Avenue  
Vineland, NJ 08361-2986



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

November 8, 2018

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

Re: Teamsters Local 929  
(Thomas Colace Co. d/b/a Lipman Produce, Inc.)  
Case 04-CB-226833

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

We have carefully investigated and considered your charge that Teamsters Local Union 929 has violated the National Labor Relations Act.

**Decision to Dismiss:** As a result of the investigation, I find that the charge lacks merit. Your charge alleges that the Union violated Section 8(b)(1)(A) of the Act by refusing to arbitrate your discharge grievance for arbitrary or discriminatory reasons or in bad faith. The investigation disclosed that the Employer terminated you for several infractions over a short period of time, including insubordination. The Union promptly filed a grievance over your discharge and scheduled a grievance meeting with the Employer to discuss your grievance, which you attended. The Union then kept in regular contact with you. Thereafter, the Union representative and Union attorney met with you to discuss your grievance. The Union's investigation into the merits of your grievance revealed that the number and types of your disciplines were sufficient to justify your termination. The evidence established that the Union decided not to pursue your grievance further based on its good faith belief and determination that it was not likely to prevail before an arbitrator. A union is not required to process every grievance to arbitration, and the law permits the union to make reasonable judgments in this regard. *Humphrey v. Moore*, 375 U.S. 335 (1964); *Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953). In this case, there is no evidence that the Union's refusal to take your discharge grievance to arbitration was based on arbitrary, discriminatory or bad faith reasons in violation of its duty of fair representation. *Vaca v. Sipes*, 386 U.S. 171 (1967). Accordingly, I am 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 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 November 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 November 23, 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 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.

**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/ Dennis P. Walsh

DENNIS P. WALSH  
Regional Director

Enclosure

cc: John Bryan, Recording Secretary  
Teamsters Local Union 929  
4345 Frankford Avenue  
Philadelphia, PA 19124-3987

Neal Goldstein, Esquire  
Freedman & Lorry  
1601 Market Street, Suite 1500  
Philadelphia, PA 19103-2316

Pina-Maria Quattrochi-Slimm, H.R. Manager  
Thomas Colace Co.  
d/b/a Lipman Produce, Inc.  
800 Grove Road  
West Deptford, NJ 08086-2244



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 Penn Square East, Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215) 597-7601  
Fax: (215) 597-7658

November 15, 2018

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

Re: Teamsters Local 500 (Various Employers)  
Case 04-CB-228781

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

We have carefully investigated and considered your charge that Teamsters Local 500 has violated the National Labor Relations Act.

**Decision to Dismiss:** As a result of the investigation, I find that the charge lacks merit.

The charge alleges that the Union violated Section 8(b)(1)(A) and (2) of the Act by (1) refusing to reinstate your membership in the Union, which impeded your ability to work within the Union's jurisdiction; and (2) causing or attempting to cause various employers within the Union's jurisdiction to refuse to hire you. The investigation disclosed that the Union suspended your membership in (b) (6), (b) (7)(C) 2007. You did not work in the industry leading up to your attempt to reinstate your membership by paying your dues on or about (b) (6), (b) (7)(C) 2018. However, the Union requires that individuals work in the industry to be eligible for membership. The Union does not operate a hiring hall and there is no evidence that the Union caused or attempted to cause employers not to employ you. Therefore, you were unrestricted in your ability to seek work and the Union's actions did not impede your ability to work within the Union's jurisdiction, nor did it interfere with any employment relationship. Accordingly, I am refusing to issue a Complaint in this matter. See *Office and Professional Employees International Union, Local 251, AFL-CIO (Sandia National Laboratories)*, 331 NLRB 1417 (2000).

**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 29, 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 28, 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 29, 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 29, 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/ Dennis P. Walsh

DENNIS P. WALSH  
Regional Director

Enclosure

cc: William Fitzgerald, President  
Teamsters Local 500  
3460 N. Delaware Avenue, Suite 101  
Philadelphia, PA 19134-6311

William T. Josem, Esquire  
Cleary, Josem & Trigiani  
Constitution Place  
325 Chestnut Street, Suite 200  
Philadelphia, PA 19106-2602