

Temple Inland Forest Products and United Paperworkers International Union, AFL-CIO, CLC, Petitioner. Case 16-RC-9314

January 24, 1991

DECISION AND ORDER REMANDING

BY CHAIRMAN STEPHENS AND MEMBERS
CRACRAFT, DEVANEY, OVIATT, AND
RAUDABAUGH

Pursuant to a Stipulated Election Agreement executed by the parties, an election by secret ballot was conducted in the above-entitled proceeding on July 13, 1990, under the direction and supervision of the Regional Director. On July 30, 1990, the Petitioner's election objections were received by the Regional Office. On August 3, 1990, the Regional Director rejected the Petitioner's objections as untimely filed.¹ On August 16, 1990, the Petitioner filed a request for review contending that there are extenuating circumstances in this case that warrant the Board's accepting the objections out of time.

The record shows that the Petitioner sent the election objections by United Parcel Service (UPS) on July

18, 1990, 2 days in advance of the filing due date. The objections were delivered to the UPS facility in Nashville, Tennessee, on July 18, 1990, and forwarded to UPS's Fort Worth, Texas location where they were received on July 19, 1990, and then lost.²

In rejecting the Petitioner's objections, the Regional Director relied on Section 102.111(b) of the Board's Rules and Regulations and the Board's decision in *Drum Lithographers*, 287 NLRB 22 (1987).

ORDER

For the reasons discussed in *John I. Haas, Inc.*, 301 NLRB 300 (1991), the Board has decided to overrule *Drum Lithographers*, and revise its Rules and Regulations at Section 102.111(b) to remove election objections from the documents excluded from the "postmark" rule. Because the Petitioner's objections were timely filed under the "postmark" rule, we have remanded this case to the Regional Director to process them.³

²In a letter from the customer service manager of UPS's Metro Dallas location, UPS accepts full responsibility for nondelivery of the objections.

³The Board's remand Order was issued, in unpublished form, on December 23, 1990.

¹See Secs. 102.69(a) and 102.111(b) of the Board's Rules and Regulations.