



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
Region 1 Boston, Massachusetts
10 Causeway Street, 6th Floor
Boston, MA 02222-1072
(617) 565-6700

April 2, 2008

James P. Gambone, Representative
National Emergency Medical Services
Association (NEMSA)
One Apple Hill Drive, Ste. 316
Natick, MA 01760

RE: Fallon Service, Inc.
1-RC-22087 & 1-RC-22092

Dear Mr. Gambone:

I am in receipt of your letter dated March 14, 2008, requesting to withdraw the Petitions filed by your Union in the above-captioned matters. For the reasons set forth below, your request must be denied.

Pursuant to a Decision and Direction of Election dated June 27, 2007, in the above-captioned matters, the Region, on July 31, 2007, counted the ballots in a mail ballot election conducted between July 16, 2007 and July 30, 2007, among certain employees of the Employer. The Tally of Ballots disclosed that a majority of the valid votes counted were cast against representation either by your Union, the Petitioner in these matters, or by Office and Professional Employees International Union, Local 6, AFL-CIO, the other participating labor organization. On August 3, 2007, your Union timely filed Objections To Election. In addition, on August 16, 2007, your Union filed an unfair labor practice charge against the Employer in Case 1-CA-44119, and on November 6, 2007, Local 6 filed an unfair labor practice charge against the Employer in Case 1-CA-44282. Both of these charges contain allegations that parallel certain of the Objections filed by your Union. The Objections and both unfair labor practice charges are currently under investigation.

Section 11116.3 of the Board's Casehandling Manual, Part Two, Representation Proceedings, states, in pertinent part:

A request to withdraw the petition, submitted while objections are pending, should normally not be approved. Sec. 11116.1. However, the Regional

Director has the discretion to approve a request to withdraw the petition while objections are pending when no party objects or if the petitioner agrees, in writing, that it will not file a petition seeking an election to be held less than a year after the first election.

Accordingly, subsequent to the receipt of your request to withdraw the petitions, I solicited the positions of Local 6 and the Employer with respect to your request. While Local 6 supported your request to withdraw the petitions, the Employer opposed your request. Accordingly, and in view of the pendency of the Objections and the two unfair labor practice charges described above, I have determined that it would not be appropriate to honor your withdrawal request, and I must, therefore, deny it.

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file a request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

Request Due Date: The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at 5 p.m. on April 16, 2008. However, if you mail the request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission. You may file the request for review electronically. Further guidance may be found under E-Gov on the National Labor Relations Board web site: www.nlr.gov.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at www.nlr.gov. On the home page on the website, select the E-gov tab and on E-filing. Then select the NLRB office for which you wish to E-file your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed

Extension of Time to File Request: If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, by facsimile transmission, or through the Internet. The fax number is (202) 273-4270. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

Request Contents: The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to deny your request to withdraw the petitions is incorrect.

Address for Request for Review: The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

[/s/ Rosemary Pye](#)

Rosemary Pye
Regional Director

[cc:](#)

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

WITHDRAWAL REQUEST

In the matter of Fallon Service, Inc. 1-RC-22087 & 1-RC-22092
(Name of case)

(Number of Case)

This is to request withdrawal of the *(petition)* in the above case.

Withdrawal request approved

(Date)

Regional Director,
National Labor Relations Board.

(Name of Party Filing)

By _____
(Name of Representative)

(Title)

Date _____