

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

PACKAGING CORPORATION OF AMERICA^{1[1]}

Employer

and

UNITED STEELWORKERS, AFL-CIO, CLC

Petitioner

Case 18-RC-17571

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to me.

Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

^{1[1]} The Employer's name appears as corrected by the Employer at the hearing.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.^{2[2]}

3. The labor organization involved claims to represent certain employees of the Employer.

4. Petitioner filed a petition seeking to represent a unit of all full-time and regular part-time production and maintenance employees, including the leadman, employed by the Employer at its Conrad, Iowa facility, excluding office clerical employees, temporary employees, professional employees, guards and supervisors as defined by the Act, and all other employees.

At the hearing, the Employer moved for dismissal of the petition because of the failure of any representative of the Petitioner to appear at the hearing. More specifically, the Employer moved, pursuant to Section 11012.1 of the Representation Case Handling Manual and Section 102.65 of the Board's Rules and Regulations, that the petition be dismissed because Petitioner's failure to appear at the hearing constituted a failure to cooperate. The hearing officer referred this motion to me.

In view of the Petitioner's failure to cooperate, dismissal of this petition is appropriate.^{3[3]} As stated in Section 101.18(c) of the Board's Ruled and

^{2[2]} The Employer, Packaging Corporation of America, is a Delaware corporation with its headquarters located in Lake Forest, Illinois and a facility located in Conrad, Iowa, where it is engaged in the production of corrugated containers. During the preceding 12 months, a representative period, the Employer purchased and received goods and materials valued in excess of \$50,000 directly to suppliers located outside the State of Iowa. During this same period, the Employer sold and shipped goods valued in excess of \$50,000 directly to customers located outside the State of Iowa.

^{3[3]} While not part of the record, I note that Petitioner representative George Dubovich submitted a letter dated April 23, 2008 advising me that he would not attend the hearing. I immediately responded by letter dated and faxed April 23, advising Mr. Dubovich that if he failed to show

Regulations, a Regional Director has discretion to dismiss a petition where Petitioner fails to make available necessary facts in its possession. By failing and refusing to appear at the hearing, Petitioner has failed to comply with the requirements of Section 101.18(c).

ORDER

IT IS HEREBY ORDERED that the petition filed herein is dismissed.^{4[4]}

Dated at Minneapolis, Minnesota, this 29th day of April, 2008.

/s/ Robert W. Chester

Robert W. Chester, Regional Director
National Labor Relations Board
Region Eighteen

up for the hearing, the petition would be dismissed. My intention to dismiss if he failed to appear at the hearing was also conveyed verbally to Mr. Dubovich by the Board agent assigned to be hearing officer.

^{4[4]} Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, National Labor Relations Board, 1099 - 14th Street NW, Washington D.C. 20570**. This request must be received by the Board in Washington by **May 13, 2008**.

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.nlrb.gov. On the home page of the website, select the E-Gov tab and click 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.
