FORM NLRB-4479
(3-84)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SECURITY WASHINGTON, INC.[1/]

Employer

and

NATIONAL ASSOCIATION OF SPECIAL POLICE AND SECURITY OFFICERS

Petitioner

Case 5-RC-15026

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 the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
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/]
3. The labor organizations involved claim to represent certain employees of the Employer.
4. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9*(c)(1)* and Section 2*(6) (7)* of the Act for the following reasons:[3/]

SEE ATTACHED

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is dismissed.

RIGHT TO REQUEST REVIEW

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, 1099 14th Street, NW, Washington, D.C. 20570. This request must be received by the Board in Washington by **June 16, 2000.**

Dated June 2, 2000

at Baltimore, Maryland

/s/ LOUIS J. D'AMICO
Regional Director, Region 5

1/ Name appears as amended at the hearing

2/ Security Washington, Inc. (the Employer), a District of Columbia corporation with a principal office and place of business in Washington, D.C. is engaged in the business of providing security services to various firms and institutions, including the United States Department of Transportation pursuant to a contract with the United States Department of Transportation, an agency of the federal government. Annually, the Employer has performed the above-described services valued in excess of $50,000 to the United States Department of Transportation pursuant to the contract with that agency.

3/ The Petitioner petitioned for the following unit:

> All full time and regular part-time security officers at FOBIA 800 Independence Ave., S.W., NASSIF 400 7th St.SW., and the Coast Guard Building 100 Water Street S.W. excluding all other employees, project manager and supervisor as defined by the Act.

There are approximately 95 employees in the petitioned-for unit.

At the hearing the Employer took the position that the appropriate unit would be "all full-time and regular part-time security officers employed by the Employer at the FAA Building, 800 Independence Avenue, S.W., the DOT Building at 400 7th Street, Southwest, and the Coast Guard Building located at 2100 Second Street, Southwest, Washington, D.C. but excluding all other employees, the project manager, lieutenants, the captain, sergeants and other supervisors as defined in the Act."

The petition in this case was filed on May 15, 2000, by Caleb A. Gray-Burris, President, on behalf of the National Association of Special Police and Security Officers. Notice of Representation Hearing dated May 16, 2000, setting the hearing for May 25, 2000, was served on the parties. On May 24, 2000, the Hearing Officer attempted to contact Caleb A. Gray-Burris in the morning, mid-day, afternoon and late afternoon. The Hearing Officer left voice mail messages at Mr. Burris's office number and cellular phone number. On May 24, 2000, the Hearing Officer called attorney Bruce Goodman, who has represented Petitioner on other matters, requesting that he contact Mr. Burris regarding the petition. Prior to the opening of the record on May 25, the Hearing Officer again called the telephone number provided for Mr. Burris. The hearing in this matter opened at 9:40 a.m. on May 25, 2000 and as of that time, neither the Hearing Officer nor anyone from the Regional Office had heard from Mr. Burris or anyone on behalf of the Petitioner. Mr. Burris did not return any of the telephone calls, and neither he nor anyone else on behalf of the Petitioner appear at the hearing, which closed at 10:00 a.m.

At the hearing the Employer made a motion to dismiss the petition. The record establishes that Petitioner had adequate notice of the hearing and was aware of the hearing date and nonetheless failed to appear at the hearing. In these circumstances dismissal of the petition is warranted and I hereby grant the Employer's motion to dismiss the petition.