



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
819 Taylor Street, Room 8A24  
Fort Worth, TX 76102-6107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (817)978-2921  
Fax: (817)978-2928

April 26, 2017

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

Re: United Professional and Service  
Employees Union, Local 1222  
(Professional Transportation Incorporated)  
Case No. 16-CB-190949

DEAR (b)(6), (b)(7)(C):

We have carefully investigated and considered your charge that **United Professional and Service Employees Union, Local 1222** has violated the National Labor Relations Act.

**Decision to Dismiss:** Your charge alleges that since about (b)(6), (b)(7)(C) 2016, the Union refused to process your grievance over your termination for arbitrary or discriminatory reasons or in bad faith.

The investigation revealed insufficient evidence to find that the Union breached its obligation to fairly represent you regarding your grievance. Rather, the evidence showed that the Union filed a grievance over your termination and was successful in reaching a resolution with the Employer that resulted in your reinstatement.

Based on these facts and the absence of any evidence of unlawful motive in the Union's handling of your grievance, I am dismissing your charge.

**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 **May 10, 2017**. 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 May 9, 2017. **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 May 10, 2017**. 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 **May 10, 2017, 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/ Timothy L. Watson

TIMOTHY L. WATSON  
ACTING REGIONAL DIRECTOR

Enclosure

United Professional and Service  
Employees Union, Local 1222  
(Professional Transportation Incorporated)  
Case No. 16-CB-190949

- 3 -

April 26, 2017

cc: MR. BILLY LANSDALE, DISTRICT MANAGER  
PROFESSIONAL TRANSPORTATION, INC. (PTI)  
3700 EAST MORGAN AVENUE  
EVANSVILLE, IN 47715-2240

MR. IKE GITTLEN, UNION REPRESENTATIVE  
UNITED PROFESSIONAL AND SERVICE  
EMPLOYEES UNION, LOCAL 1222  
60 BOULEVARD OF THE ALLIES, FLOOR 9  
PITTSBURGH, PA 15222-1209



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April 19, 2017

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

Re: National Rural Letter Carriers Association  
(United States Postal Service)  
Case 16-CB-191955

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

We have carefully investigated and considered your charge that NATIONAL RURAL LETTER CARRIERS ASSOCIATION has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**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:

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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 **May 3, 2017**. 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 May 2, 2017. **If an appeal is postmarked or given to a delivery**

April 19, 2017

**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 May 3, 2017**. 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 May 3, 2017, **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.

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Very truly yours,

/s/ Timothy L. Watson  
TIMOTHY L. WATSON  
ACTING REGIONAL DIRECTOR

Enclosure

cc: KEN LEJEUNE, DISTRICT REP  
NATIONAL RURAL LETTER CARRIERS  
ASSOCIATION  
PO BOX 282  
MAGNOLIA, TX 77353

JEAN MARC FAVREAU, ATTORNEY  
PEER GAN & GISLER LLP  
1730 RHODE ISLAND AVE NW  
STE 715  
WASHINGTON, DC 20036-3115

April 19, 2017

CRAIG BIAGIOLI  
UNITED STATES POSTAL SERVICE  
3701 GLENN LAKES LN  
MISSOURI CITY, TX 77459-9998

RODERICK D. EVES, DEPUTY MANAGING  
COUNSEL  
UNITED STATES POSTAL SERVICE  
(LAW DEPARTMENT - NLRB UNIT)  
1720 MARKET ST  
STE 2400  
SAINT LOUIS, MO 63155-9948



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April 26, 2017

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

Re: United Food and Commercial Workers  
(UFCW), Local 455 (Kroger)  
Case No. 16-CB-192692

DEAR (b)(6), (b)(7)(C):

We have carefully investigated and considered your charge that **United Food and Commercial Workers Local Union No. 455** has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**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.nlrb.gov](http://www.nlrb.gov) and:

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**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.

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON  
ACTING REGIONAL DIRECTOR

Enclosure

cc: MS. KIM MCCULLUM,  
STORE MANAGER  
KROGER  
8000 RESEARCH FOREST DRIVE  
WOODLANDS, TX 77382

MR. ROEL PEREZ, UNION REPRESENTATIVE  
UNITED FOOD AND COMMERCIAL  
WORKERS, LOCAL UNION NO. 455  
121 NORTHPOINT DRIVE  
HOUSTON, TX 77060-3207

MR. PATRICK M. FLYNN, ATTORNEY  
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