



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

June 30, 2017

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case 16-CB-191854

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.nlrb.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.nlrb.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 **July 14, 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 July 13, 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 July 14, 2017.** The request may be filed electronically through the ***E-File Documents*** link on our website 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 July 14, 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/Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: KENNETH LEJEUNE
NATIONAL RURAL LETTER CARRIERS
ASSOCIATION
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MAGNOLIA, TX 77353

JEAN MARC FAVREAU, ATTORNEY
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COUNSEL
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SAINT LOUIS, MO 63155-9948



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June 30, 2017

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

Re: United Food and Commercial Workers,
Local 540 (Pilgrim's Pride)
Case No. 16-CB-193980

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

We have carefully investigated and considered your charge that **United Food and Commercial Workers, Local 540** has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that within the past six months, the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process your grievance regarding your job transfer 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 job transfer. The investigation revealed that in (b)(6), (b)(7)(C) 2016, you spoke to the Union about your transfer and the Union informed you there was no contract violation because the Employer had the right to transfer you. Subsequently, in (b)(6), (b)(7)(C) 2017, you were terminated. However, you did not request to file a grievance over your termination.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The evidence did not show any unlawful motive in the Union's actions. In these circumstances, no violation of the Act had occurred. Therefore, 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.

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Very truly yours,

/s/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MR. ARTURO FERNANDEZ,
HUMAN RESOURCES
PILGRIM'S PRIDE
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MR. PHILLIP GODINO,
UNION REPRESENTATIVE
UNITED FOOD AND COMMERCIAL WORKERS,
LOCAL 540
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MR. DAVID K. WATSKY, ATTORNEY
LYON, GORSKY, GILBERT &
LIVINGSTON, L.L.P.
12001 NORTH CENTRAL EXPRESSWAY,
SUITE 650
DALLAS, TX 75243



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June 30, 2017

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

Re: United Food and Commercial Workers,
Local 540 (Frito Lay)
Case No. 16-CB-194801

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

We have carefully investigated and considered your charge that **United Food and Commercial Workers, Local 540** has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that within the past six months, the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process your grievance for arbitrary or discriminatory reasons or in bad faith.

The investigation revealed that you requested the Union file a grievance over your suspension and your termination. In regards to your suspension grievance, the evidence failed to show that a grievance was filed on your behalf. However, the investigation disclosed the Union did file a grievance regarding your termination. Although your termination grievance has been denied by the Employer, the grievance remains open.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The evidence did not show any unlawful motive in the Union's failure to file a grievance over your suspension or in processing of your termination grievance.

Based on these facts and the absence of any evidence of an unlawful motive in the Union's handling of your grievances, 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.

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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/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MR. CHIP SERRANO,
UNION REPRESENTATIVE
UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 540
17780 PRESTON ROAD
DALLAS, TX 75252

MR. MITCHELL TURNBOW,
IRVING PROCESSING
SUPPLY CHAIN LEADER
FRITO LAY
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June 22, 2017

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

Re: National Association of Letter Carriers
Branch 3867
(United States Postal Service)
Case 16-CB-195022

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

We have carefully investigated and considered your charge that NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 3867 has violated the National Labor Relations Act.

Decision to Dismiss: The charge alleged that within the past six months, the Union failed to process grievances or provide requested information related to grievances for arbitrary reasons or in bad faith.

There was insufficient evidence that the Union breached its duty of fair representation in failing to process grievances on your behalf. The investigation revealed that the Union has processed grievances on your behalf within the past six months. The investigation showed that the Union has attempted to obtain documentation from you to show that your pay was not adjusted by the USPS pursuant to your continuation of pay grievance, but that you have not provided the documentation to the Union.

Accordingly, I am refusing to issue a Complaint in this matter.

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 and:

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- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.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

June 22, 2017

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 **July 6, 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 July 5, 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.

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Very truly yours,

/s/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: KIM CHARLES-SALINAS, POSTMASTER
UNITED STATES POSTAL SERVICE
3519 E WALNUT ST
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RODERICK D. EVES, DEPUTY MANAGING
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UNITED STATES POSTAL SERVICE
(LAW DEPARTMENT-NLRB UNIT)
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SAINT LOUIS, MO 63155-9948

RODNEY THOMPSON, PRESIDENT
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JOSEPH GORDON, PRESIDENT
NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 3867
801 W FAIRMONT PKWY
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KATE M. SWEARENGEN
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NEW YORK, NY 10036-6979



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June 28, 2017

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

Re: Communication Workers of America,
Local 6132 (AT&T Southwest)
Case No. 16-CB-195167

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

We have carefully investigated and considered your charge that **Communication Workers of America, Local 6225** 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.

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Very truly yours,

/s/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MR. JASON PEAVLER, PRESIDENT
COMMUNICATION WORKERS OF
AMERICA, LOCAL 6225
3907 MEDICAL PARKWAY, SUITE 200
AUSTIN, TX 78756-4015

AT&T SOUTHWEST
712 EAST HUNT LAND DRIVE
AUSTIN, TX 78752-3798



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June 29, 2017

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case No. 16-CB-195372

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.

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Very truly yours,

/s/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MS. VANESSA WALLACE, SUPERVISOR
UNITED STATES POSTAL SERVICE
951 WEST BETHEL ROAD
COPPELL, TX 75099

MR. RODERICK D. EVES,
DEPUTY MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT-NLRB
1720 MARKET STREET, ROOM 2400
SAINT LOUIS, MO 63155-9948

MS. DONNA COSTLOW
NATIONAL RURAL LETTER CARRIERS
ASSOCIATION
POST OFFICE BOX 802
PALESTINE, TX 75802-0802

MR. JEAN-MARC FAVREAU, ATTORNEY
PEER, GAN AND GISLER, L.L.P.
1730 RHODE ISLAND AVENUE NW,
SUITE 175
WASHINGTON, DC 20036-3115



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June 26, 2017

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

Re: International Alliance of Theatrical and
Stage Employees, Local 126
Case No. 16-CB-195773

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

We have carefully investigated and considered your charge that **International Alliance of Theatrical and Stage Employees, Local 126** 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.

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Appeal Due Date: The appeal is due on **July 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 July 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 July 10, 2017**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlrb.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 **July 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/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

June 30, 2017

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case No. 16-CB-199712

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 Partially Dismiss: Based on that investigation, I have decided to dismiss the portion of the charge alleging that, within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by misleading (b)(6), (b)(7)(C) about the status of (b)(6), (b)(7)(C) grievance regarding (b)(6), (b)(7)(C) DPS review.

The following allegations remain before me for further processing, within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to provide (b)(6), (b)(7)(C) requested documents related to (b)(6), (b)(7)(C) grievance regarding (b)(6), (b)(7)(C) DPS review.

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 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.nlrb.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.

June 30, 2017

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 **July 14, 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 July 13, 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 July 14, 2017**. The request may be filed electronically through the *E-File Documents* link on our website 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 **July 14, 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/ Ofelia Gonzalez

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

June 30, 2017

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