



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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

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

March 28, 2017

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

Re: American Postal Workers Union, Local 185  
(United States Postal Service)  
Case No. 16-CB-189490

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

We have carefully investigated and considered your charge that **American Postal Workers Union, Local 185** 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal **MAY NOT** be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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.

**Appeal Due Date:** The appeal is due on **April 11, 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 April 10, 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 April 11, 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 **April 11, 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/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

cc: MS. CAROLYNE BOWIE  
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KINGWOOD, TX 77339-9998

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

MR. GARY GLAZEBROOK  
AMERICAN POSTAL WORKERS  
UNION, LOCAL 185  
102 WEST TIDWELL ROAD  
HOUSTON, TX 77022-1524



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March 30, 2017

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

Re: National Association of Letter Carriers,  
Branch 4784 (United States Postal Service)  
Case No. 16-CB-190070

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers, Branch 4784** 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 overtime 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. The evidence showed that although the Union may have unintentionally missed the filing deadline for the overtime grievance in question, it has on numerous occasions in the past successfully resolved grievances in your favor.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The investigation disclosed that the Union's failure to file a grievance for you amounted to mere negligence and was not motivated by arbitrary, discriminatory or bad faith reasons. 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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**Appeal Due Date:** The appeal is due on **April 13, 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 April 12, 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/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

cc: MR. STAN ADAMS, STATION MANAGER  
UNITED STATES POSTAL SERVICE  
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MR. RODERICK D. EVES,  
DEPUTY MANAGING COUNSEL  
UNITED STATES POSTAL SERVICE  
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1720 MARKET STREET, SUITE 2400  
SAINT LOUIS, MO 63155-9948

MR. TREY SMITH, PRESIDENT  
NATIONAL ASSOCIATION OF LETTER  
CARRIERS, BRANCH 4784  
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MS. SARAH D. HEYDEMANN, ATTORNEY  
COHEN, WEISS AND SIMON  
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NEW YORK, NY 10036



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March 28, 2017

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

Re: International Alliance of Theatrical and Stage  
Employees, Local 126 (Bass Music Hall)  
Case No. 16-CB-190082

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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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International Alliance of Theatrical and  
Stage Employees, Local 126  
(Bass Music Hall)  
Case No. 16-CB-190082

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Very truly yours,

/s/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

cc: MS. MOLLY FAULK, PRESIDENT  
INTERNATIONAL ALLIANCE OF  
THEATRICAL AND STAGE  
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March 22, 2017

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

Re: National Association of Letter Carriers,  
Local 283 (United States Postal Service)  
Case No. 16-CB-191838

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers, Local 283** has violated the National Labor Relations Act.

**Decision to Dismiss:** You filed the above-captioned charge on January 24, 2017. The charge alleges that since on or about 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 and arbitrate your grievances regarding your removal for arbitrary or discriminatory reasons or in bad faith.

On February 15, 2017, you were scheduled to provide a telephone affidavit to produce evidence in support of your charge. On that date, you failed and/or refused to respond to the Board agent's call. Since then, the Board agent has attempted to contact you on several occasions without success.

On March 10, 2017, the Board agent advised you in writing of your responsibility as the Charging Party to produce evidence in a timely manner. The Board agent also provided you with information concerning the Board's six-month statute of limitations under Section 10(b) of the Act and requested that you produce evidence in support of the charge by no later than close of business on Friday, March 17, 2017. To date, you have failed and/or refused to contact the Board agent and present testimony and evidence in support of your charge.

Accordingly, I am dismissing the charge for lack of cooperation and 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. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at



March 22, 2017

[www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. 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.

**Appeal Due Date:** The appeal is due on **April 5, 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 April 4, 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/ Martha Kinard

MARTHA KINARD  
REGIONAL DIRECTOR

Enclosure

cc: MS. SANDY DUPLICHAINÉ,  
STATION MANAGER  
UNITED STATES POSTAL SERVICE  
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MR. RODERICK D. EVES,  
DEPUTY MANAGING COUNSEL  
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MR. WILLIE FERGUSON,  
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NATIONAL ASSOCIATION OF LETTER  
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