



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

May 22, 2017

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

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case No. 16-CB-193266

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.

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 **June 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 June 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.

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 June 5, 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 **June 5, 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

cc: MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181-0178

MR. STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE STREET
FORT WORTH, TX 76102



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May 19, 2017

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

Re: American Postal Workers Union Fort
Worth Area Local (United States Postal
Service)
Case 16-CB-195455

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION, FORT WORTH AREA LOCAL has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because of the lack of cooperation by the Charging Party.

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 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.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 **June 2, 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 June 1, 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 June 2, 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 June 2, 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

cc: ALEX KLEGER
MANAGEMENT OVER OPERATIONS
UNITED STATES POSTAL SERVICE
4600 MARK IV PKWY.
FORT WORTH, TX 76161-9804

BEN MARTINEZ, PRESIDENT
AMERICAN POSTAL WORKERS
UNION, FORT WORTH AREA LOCAL
PO BOX 162121
FORT WORTH, TX 76161-2121

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



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May 31, 2017

ALLEN THOMAS
LEGAL AID OF NORTHWEST TEXAS
600 E WEATHERFORD ST
FORT WORTH, TX 76102-3299

Re: United Automobile Workers Local 119
(Flex-N-Gate)
Case 16-CB-192712

Dear Mr. Thomas:

We have carefully investigated and considered your charge that UNITED AUTOMOBILE WORKERS LOCAL 119 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The 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 an employee's grievance regarding the employee's termination and by refusing to seek a medical leave exception for the employee, both for arbitrary or discriminatory reasons or in bad faith.

The investigation disclosed that after the employee was terminated by his Employer for failing to submit medical documentation, the Union filed a grievance on behalf of the employee. In the grievance, the Union sought reinstatement and a medical leave extension for the employee. However, the Employer denied the grievance and the Union did not pursue the grievance any further.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The investigation failed to show that the Union breached its obligation to fairly represent the employee regarding the employee's termination grievance. The Union's actions in processing the employee's grievance were not motivated by any arbitrary, discriminatory or bad faith reasons.

Based on these facts and the absence of any evidence of any unlawful motive in the Union's handling of the employee's 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.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
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Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at 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.

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Appeal Due Date: The appeal is due on **June 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 June 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 June 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 June 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.

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United Automobile Workers Local 119
(Flex-N-Gate)
Case 16-CB-192712

- 3 - May 31, 2017


Very truly yours,

/s/ Timothy L. Watson

Timothy L. Watson
Acting Regional Director

Enclosure

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

A large black rectangular redaction box covers the names and contact information of the individuals listed in the cc field.

REGINA CHENAULT, HR MANAGER
FLEX-N-GATE
2400 CENTENNIAL DR
ARLINGTON, TX 76011-6609

UNITED AUTOMOBILE WORKERS
LOCAL 119
656 PAINT PONY TRL N
FORT WORTH, TX 76108-4315



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May 31, 2017

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case No. 16-CB-192803

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: 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 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 termination grievance. The investigation disclosed that the Union did file a grievance on your behalf, but decided not to take your case to arbitration. Further, the Union informed you that the decision not to arbitrate your case was based on the fact that they did not have sufficient evidence to succeed at arbitration.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. The Union's decision not to arbitrate your grievance 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.

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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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

May 31, 2017

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.

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON
ACTING REGIONAL DIRECTOR

Enclosure

May 31, 2017

cc: MR. JOEY JOHNSON,
 DIRECTOR LABOR RELATIONS
 NATIONAL RURAL LETTER
 CARRIERS ASSOCIATION
 1630 DUKE STREET, # 4
 ALEXANDRIA, VA 22314

MR. JEAN MARC FAVREAU, ATTORNEY
PEER GAN & GISLER, L.L.P.
1730 RHODE ISLAND AVENUE, NW,
SUITE 715
WASHINGTON, DC 20036-3115

MR. LANCER FINLEY, POSTMASTER
UNITED STATES POSTAL SERVICE
1008 NORTH 5TH STREET
SANGER, TX 76258-0000

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