



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
819 Taylor St, Rm 8A24  
Fort Worth, TX 76102-6107

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

November 29, 2017

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

Re: American Postal Workers Union Local 1477  
(United States Postal Service)  
Case 16-CB-203054

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

We have carefully investigated and considered your charge that AMERICAN POSTAL WORKERS UNION LOCAL 1477 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:

- 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](http://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.

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November 29, 2017

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

cc: VERMON CHAPMAN, PRESIDENT  
AMERICAN POSTAL WORKERS UNION,  
LOCAL 1477  
PO BOX 5000  
TYLER, TX 75701

SIMONE JONES, STATION MANAGER  
UNITED STATES POSTAL SERVICE  
2627 S BROADWAY AVE  
TYLER, TX 75701

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



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November 30, 2017

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

Re: American Postal Workers Union,  
Houston Local 185  
(United States Postal Service)  
Case No. 16-CB-203987

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

We have carefully investigated and considered your charge that **American Postal Workers Union, Houston 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.

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American Postal Workers Union,  
Houston Local 185  
(United States Postal Service)  
Case No. 16-CB-203987

- 2 - November 30, 2017

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

cc: MR. WILLIAM GILBERT,  
MAINTENANCE MANAGER  
UNITED STATES POSTAL SERVICE  
4600 ALDINE BENDER ROAD  
HOUSTON, TX 77032-4103

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

American Postal Workers Union,  
Houston Local 185  
(United States Postal Service)  
Case No. 16-CB-203987

- 3 - November 30, 2017

MR. ERNESTO FLORES,  
MAINTENANCE CRAFT DIRECTOR  
AMERICAN POSTAL WORKERS UNION,  
HOUSTON LOCAL 185  
102 WEST TIDWELL ROAD  
HOUSTON, TX 77022-1524

MS. MARY ANN STARKS, ATTORNEY  
5001 WOODWAY DRIVE, NO. 904  
HOUSTON, TX 77056



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Telephone: (817)978-2921  
Fax: (817)978-2928

November 29, 2017

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

Re: American Postal Workers Union,  
Houston Area Local  
(United States Postal Service)  
Case No. 16-CB-203989

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

We have carefully investigated and considered your charge that **American Postal Workers Union, Houston Area Local** has violated the National Labor Relations Act.

**Decision to Dismiss:** The charge alleges the Union violated Section 8(b)(1)(A) of the Act by refusing and/or failing to process a grievance concerning a test required by the job bid awarded to the Charging Party.

The investigation disclosed that on (b) (6), (b) (7)(C) 2017, the Charging Party took and failed a test required for the job position and subsequently asked the Union to file a grievance based on a clerical discrepancy. Specifically, the training records displayed (b) (6), (b) (7)(C) rather than (b) (6), (b) (7)(C) 2017, as the date on which the Charging Party took and failed the test. The Union filed a grievance but later advised the Charging Party that the grievance had been withdrawn and no further action would be taken. There was no evidence to establish that the Union acted arbitrarily in handling the Charging Party's grievance or that the grievance was withdrawn for discriminatory reasons or in bad faith.

Based on the foregoing, 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.

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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  
REGIONAL DIRECTOR

Enclosure

American Postal Workers Union,  
Houston Area Local  
(United States Postal Service)  
Case No. 16-CB-203989

- 3 -

November 29, 2017

cc: MS. REGINA GOODEN, SUPERVISOR  
UNITED STATES POSTAL SERVICE  
4206 LITTLE YORK ROAD  
HOUSTON, TX 77016-9998

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

MR. AL DAVISON, PRESIDENT  
AMERICAN POSTAL WORKERS UNION,  
HOUSTON AREA LOCAL  
102 WEST TIDWELL ROAD  
HOUSTON, TX 77022-1524





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November 30, 2017

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

Re: Retail, Wholesale & Department Store Union  
(Tree House)  
Case No. 16-CB-204099

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

We have carefully investigated and considered your charge that **Retail, Wholesale & Department Store Union** 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/ Timothy L. Watson

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

cc: MS. ROSA JUAREZ,  
HUMAN RESOURCE  
TREE HOUSE  
1820 NORTH JOSEY LANE  
CARROLLTON, TX 75006-6047

MR. TERRY JAREMKO  
RETAIL, WHOLESALE &  
DEPARTMENT STORE UNION  
200 EAST BROADWAY AVENUE,  
SUITE. 302  
MARYVILLE, TN 37804-5779



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November 29, 2017

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

Re: Fort Worth Area Local,  
American Postal Workers Union  
(United States Postal Service)  
Case No. 16-CB-204103

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

We have carefully investigated and considered your charge that **Fort Worth Area Local, American Postal Workers Union** has violated the National Labor Relations Act.

**Decision to Dismiss:** The charge alleges that the Union violated Section 8(b)(1)(A) of the Act by refusing to file and process grievances on your behalf for arbitrary or discriminatory reasons or in bad faith. Specifically, you allege that the Union has refused to process a grievance related to a dispute about your seniority date and the seniority date of another employee.

The investigation established that the Union investigated the seniority dispute and determined that the other employee's earlier hire date was controlling. You assert that this is a misreading of the contract and that you should be considered senior because you began reporting for work earlier than the other employee.

The Board has held that a breach of the duty of fair representation occurs when the Union's conduct in representation is "arbitrary, discriminatory or in bad faith." *Vaca v. Sipes*, 386 US 171 (1967). The Board has also held that a Union has the right to process its grievances within a "wide range of reasonableness" so long as its conduct is not based on considerations that are irrelevant, invidious, or unfair and its conduct is not arbitrary, discriminatory, or in bad faith. *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1984); *Office and Professional Employees International Union, Local No. 2, AFL-CIO*, 268 NLRB 1353 (1984); *Vaca v. Sipes*, 268 U.S. 171 (1967). The Supreme Court has further recognized that in the interest of effectively administering a contract's grievance-arbitration machinery a union must be allowed a considerable range of discretion in screening out, settling, or abandoning, short of arbitration, those grievances which the union in good faith believes do not justify that costly and time-consuming final step. *Vaca v. Sipes*, 268 U.S. 171 (1967). It is well established that mere negligence, ineptitude, or poor judgment is insufficient to establish a breach of the union's duty of fair representation. See *Truck Drivers Local 692*, 209 NLRB 446, 447 (1974).

Although you may disagree with the Union's interpretation of the contract, the evidence does not establish any conduct by the Union that is arbitrary, discriminatory, or in bad faith.

**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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Fort Worth Area Local,  
American Postal Workers Union  
(United States Postal Service)  
Case No. 16-CB-204103

- 3 -

November 29, 2017

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Very truly yours,

/s/ Timothy L. Watson

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

cc: (b)(6), (b)(7)(C)  
FORT WORTH AREA LOCAL,  
AMERICAN POSTAL WORKERS UNION  
4600 MARK IV PARKWAY  
FORT WORTH, TX 76161-9341



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November 30, 2017

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

Re: National Association of Letter Carriers  
(United States Postal Service)  
Case No. 16-CB-204180

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers** 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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TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

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

UNITED STATES POSTAL SERVICE  
2346 BELT LINE ROAD  
GARLAND, TX 75044-9998

MR. SHAWN BOYD  
NATIONAL ASSOCIATION OF  
LETTER CARRIERS  
23760 HIGHWAY 59 NORTH  
KINGWOOD, TX 77339-1529



National Association of Letter Carriers  
(United States Postal Service)  
Case No. 16-CB-204180

- 3 - November 30, 2017

MR. SAMUEL W. WHEELER  
COHEN WEISS & SIMON, L.L.P.  
900 3RD AVE, 21ST FLOOR  
NEW YORK, NY 10022-4728



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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

November 30, 2017

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

Re: American Postal Workers Union  
(United States Postal Service)  
Case No. 16-CB-204641

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

We have carefully investigated and considered your charge that **American Postal Workers Union** 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 insufficient evidence to find that the Union breached its obligation to fairly represent you for discriminatory reasons or in bad faith. The investigation disclosed that you were terminated from the United States Postal Service (Employer) on (b) (6), (b) (7)(C) 2017, and that a grievance was not filed on your behalf because according to the parties' Collective Bargaining Agreement (CBA), Article 12, Section 1(A), "probationary employees do not have access of the grievance procedure until they complete their probationary period of (90) calendar days." At the the time of your termination, you were still under probationary status as you were terminated by the Employer at 89 calendar days into your employment.

Although there is a dispute as to whether you requested to file a grievance, the Union did not file a grievance on your behalf because it would not have a basis to process your grievance pursuant to the CBA.

Under established law, labor organizations are afforded a wide range of reasonableness in the handling of such matters. Based on these facts and the absence of any evidence of unlawful motive in the Union's failure to file a grievance on your behalf, 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 **December 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 December 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 December 14, 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 **December 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/ Timothy L. Watson

TIMOTHY L. WATSON  
REGIONAL DIRECTOR

Enclosure

cc: MR. SAMUEL SORIA,  
MOTOR VEHICLE DIRECTOR  
AMERICAN POSTAL WORKERS UNION  
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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 16  
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Fort Worth, TX 76102-6107

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

November 21, 2017

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

Re: National Association of Letter Carriers  
(United States Postal Service)  
Case No. 16-CB-205130

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

We have carefully investigated and considered your charge that **National Association of Letter Carriers** 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:

- 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 **December 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 December 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 December 5, 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 **December 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  
REGIONAL DIRECTOR

Enclosure

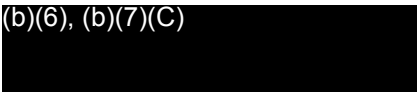
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National Association of Letter Carriers  
(United States Postal Service)  
Case No. 16-CB-205130

- 3 - November 21, 2017

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

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NATIONAL ASSOCIATION OF  
LETTER CARRIERS  
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