



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069

November 29, 2018

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

Re: National Rural Letter Carriers Association
(United States Postal Service)
Case 15-CB-220889

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 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. 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.

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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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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/

M. KATHLEEN MCKINNEY
Regional Director

MKM/dms

Enclosure

cc: Toni Cannon, District Representative
National Rural Letter Carriers Association
PO Box 1043
Gonzales, LA 70707-1043

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Peer, Gan & Gisler LLP
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(b) (6), (b) (7)(C)

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St. Louis, MO 63155-9948



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November 20, 2018

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

Re: American Postal Workers Union (United
States Postal Service)
Case 15-CB-223175

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: 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 and:

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Appeal Due Date: The appeal is due on **December 4, 2018**. 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 3, 2018. **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,

M. KATHLEEN MCKINNEY
Regional Director

MKM/dms

Enclosure

cc: Jerry Moore, President
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Jackson, MS 39207

Debbie Simmons, Postmaster
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Calhoun City, MS 38916-9998

Roderick D. Eves
Deputy Managing Counsel
United States Postal Service (Law
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November 15, 2018

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

Re: International Union, Security, Police and
Fire Professionals of America and its
Amalgamated Local 711 (Paragon Systems,
Inc.)
Case 15-CB-223603

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

We have carefully considered your charge that International Union, Security, Police and Fire Professionals of America and its Amalgamated Local 711 has violated the National Labor Relations Act.

Decision to Dismiss: In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted at this time and I am dismissing your charge.

The Charging Party filed Charge 15-CA-222698 on June 24, 2018, and 15-CB-223603 on July 12, 2018. On August 29, 2018, the two charges were transferred from FA Nelson to FA Miragliotta. The Charging Party subsequently filed Charge 15-CA-227562 on September 17, 2018. Since filing the most recent charge, despite numerous attempts, the Charging Party has not responded to the Region's attempted contacts. The Charging Party failed to respond to calls, including voice mail messages, on September 28 and October 10, 2018. The Charging Party's voice mail box was full as of October 22, 2018, and (b) (6) did not respond to calls on October 22 or 25, 2018. As of October 26, 2018, the phone number was listed as disconnected. The Charging Party did not respond to two e-mails during this timeframe either.

On October 30, 2018, the investigating agent mailed the Charging Party a letter at (b) (6), (b) (7)(C) home address asking (b) (6), (b) (7)(C) to update (b) (6), (b) (7)(C) contact information at (b) (6), (b) (7)(C) earliest convenience. (b) (6), (b) (7)(C) did not respond to the letter.

On November 5, 2018, the investigating agent mailed the Charging Party a lack of cooperation warning letter, with a return date of November 12, 2018. As of November 14, 2018, the Charging Party still did not respond to any of the Region's attempted contacts. Accordingly, the charge is recommended for lack of cooperation dismissal.

If you wish to refile this charge later when you can cooperate in the investigation, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a

charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

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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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 November 29, 2018**. 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 November 29, 2018, **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.

International Union, Security, Police and
Fire Professionals of America and its
Amalgamated Local 711 (Paragon Systems,
Inc.)
Case 15-CB-223603

- 3 - November 15, 2018

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Very truly yours,

/s/

M. KATHLEEN MCKINNEY
Regional Director

MKM/dms

Enclosure

cc: Marlon Vorise, Captain
Paragon Systems, Inc.
2200 Veterans Blvd
Kenner, LA 70062

David Jenkins, Union Chairman
International Union, Security, Police and
Fire Professionals of America and its
Amalgamated Local 711
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Roseville, MI 48066

Matthew J. Clark, Attorney
Gregory, Moore, Jeakle & Brooks, P.C.
65 Cadillac Square, Suite 3727
Detroit, MI 48226



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November 29, 2018

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

Re: Teamsters, Local 270 (Various)
Case 15-CB-223939

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

We have carefully investigated and considered your charge that Teamsters, Local 270 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/

M. KATHLEEN MCKINNEY
Regional Director

MKM/dms

Enclosure

cc: Albert Samson, Business Agent
Teamsters, Local 270
701 Elysian Fields Ave
New Orleans, LA 70117-8511

Samuel Morris, Attorney
Godwin, Morris Laurenzi &
Bloomfield, PC
50 N Front St Ste 800
Memphis, TN 38103-2181



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November 30, 2018

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

Re: International Longshoremen Association,
Local 1482
Case 15-CB-225165

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

We have carefully investigated and considered your charge that American Longshoremen, Local 1482 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.

Your charge alleges the Union violated Section 8(b)(1)(A) of the Act by failing to process your grievance over your seniority. Guidance in determining the merits of your charge is found in the Supreme Court's holding in *Vaca v. Sipes*, 386 U.S. 171 (1967). A union owes a duty of fair representation to all the employees it represents and is obligated to represent employees fairly, in good faith, and without discrimination against them on the basis of arbitrary or irrelevant distinctions. So long as the union exercises its discretion in good faith and with honesty of purpose, a collective-bargaining representative is endowed with a wide range of reasonableness in the performance of its duties. *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953). Mere negligence, poor judgment, or ineptitude are insufficient to establish a breach of the duty of fair representation. *Service Employees Local 579 (Beverly Manor Convalescent Center)*, 229 NLRB 692, 695 (1977).

The investigation of your case revealed that in (b) (6), (b) (7)(C) of 2018, you requested the Union file a grievance to protest the loss of your seniority. However, the Union declined to file a grievance for you because the Employer acted in accordance with the rules concerning the loss of seniority contained in the parties' collective-bargaining agreement (CBA). The investigation failed to disclose sufficient evidence to controvert the Union's position that they made a good faith determination not to file a grievance because you failed to work the minimum number of hours required to maintain your seniority status as required by the CBA. In light of this, there is insufficient evidence to establish the Union's handling and processing of your grievance was based on any irrational, arbitrary or bad faith considerations. Accordingly, 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/

M. KATHLEEN MCKINNEY
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
American Longshoremen, Local 1482
P.O. Box 36082
Panama City, FL 32412

Robert P. Downey, III
Employer Representative
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Panama City, FL 32401-1417

Paul D. Myrick, Esq.
The Kullman Firm
P.O. Box 1287
Mobile, AL 36633



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November 30, 2018

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

Re: International Longshore Association Local
2036 (Ceres Gulf Incorporated)
Case 15-CB-226971

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

We have carefully investigated and considered your charge that INTERNATIONAL LONGSHOREMEN'S ASSOCIATION NEW ORLEANS LOCAL 2036 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/

M. Kathleen McKinney
Regional Director

MKM/glf

Enclosure

cc: See Next Page

International Longshore Association Local - 3 -
2036 (Ceres Gulf Incorporated)
Case 15-CB-226971

November 30, 2018

cc: Walter Roche, President
 International Longshoremen's Association
 New Orleans Local 2036
 2337 Tchoupitoulas St
 New Orleans, LA 70130-2079

Louis L Robein Jr., Esq.
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& Cangemi, APLC
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Kevin R. Mason-Smith, Attorney
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James R. Parker, Vice President
Ceres Gulf Incorporated
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New Orleans, LA 70115-7758