



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26  
80 Monroe Ave Ste 350  
Memphis, TN 38103-2400

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (901)544-0019  
Fax: (901)544-0008

September 28, 2018

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

Re: Volvo Group Trucks Operations  
Case 15-CA-218878

United Auto Workers Local 2406 (Volvo  
Group Trucks Operations)  
Case 15-CB-218918

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

We have carefully investigated and considered your charges that Volvo Group Trucks Operations and United Auto Workers Local 2406 have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charges 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.

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**Appeal Due Date:** The appeal is due on **October 12, 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 October 11, 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.

**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 October 12, 2018**. 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 October 12, 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.

**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,

M. KATHLEEN MCKINNEY  
Regional Director

By: /s/

CHRISTOPHER ROY  
Officer in Charge

Enclosure

cc: LONNY OTTO, HR MANAGER  
VOLVO GROUP TRUCKS  
OPERATIONS  
100 GATEWAY GLOBAL DR  
BYHALIA, MS 38611-6035

CHARLES P. ROBERTS III, ESQ.  
CONSTANGY BROOKS SMITH LLP  
100 N CHERRY ST STE 300  
WINSTON SALEM, NC 27101-4016

(b) (6), (b) (7)(C)  
UNITED AUTO WORKERS LOCAL  
2406  
PO BOX 751655  
MEMPHIS, TN 38175-1655

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GENERAL COUNSEL  
8000 E JEFFERSON ST.  
DETROIT, MI 48214

JEFFREY D. SODKO, DEPUTY  
GENERAL COUNSEL  
UNITED AUTO WORKERS  
8000 E JEFFERSON AVE  
DETROIT, MI 48214-2699



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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New Orleans, LA 70130-3413

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

September 21, 2018

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

Re: American Postal Workers Union Local 96  
(United States Postal Service)  
Case 15-CB-220798

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

We have carefully investigated and considered your charge that the AMERICAN POSTAL WORKERS UNION, Local 96 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 the Act by refusing to file and process a grievance on your behalf. The evidence indicates that in 2017, you filed a grievance regarding the Employer's failure to assign overtime work based on your seniority. After making a determination the Employer's actions were not in violation of the collective bargaining agreement (CBA), the Union withdrew the grievance. In (b) (6), (b) (7)(C) 2018, you again asked the Union to file a grievance regarding the same overtime issue and, at that time, the Union refused to process your grievance.

A union is afforded a wide range of reasonableness in carrying out its duty to fairly represent employees. *Airline Pilots Ass'n., Int'l v. O'Neill*, 499 U.S. 65, 78 (1991). Absent evidence that a union acted in an arbitrary, discriminatory, or bad faith manner, a breach of its duty to fairly represent employees will not be found. *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). An employee does not have an absolute right to have a grievance processed through to any particular stage of the grievance procedure or to have a grievance taken to arbitration. *Id.* Further, acts by a union that are merely negligent do not rise to the level of a violation of the Act. *OPEIU, Local 2*, 268 NLRB 1353, 1355-56 (1983).

Here, the evidence is insufficient to overcome the Union's assertion that it made a good faith determination that it could not prevail on the (b) (6), (b) (7)(C) 2018 grievance.

September 21, 2018

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**Appeal Due Date:** The appeal is due on **October 5, 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 October 4, 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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September 21, 2018

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/pal

Enclosure

cc: (b) (6), (b) (7)(C)  
American Postal Workers Union  
Memphis, Tennessee Area Local #0096  
830 E. H. Crump Blvd.  
P. O. Box 2174  
Memphis, TN 38126-38101

Roderick D. Eves  
Deputy Managing Counsel  
United States Postal Service  
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United States Postal Service  
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Memphis, TN 38101-0259



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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Telephone: (504)589-6362  
Fax: (504)589-4069

September 13, 2018

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

Re: United Steelworkers, Local 9-0631  
(Valero Memphis Refinery)  
Case 15-CB-221658

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

We have carefully investigated and considered your charge that United Steelworkers Local 9-0631 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:

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**Appeal Due Date:** The appeal is due on **September 27, 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 September 26, 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,

/s/

M. Kathleen McKinney  
Regional Director

MKM/pal

Enclosure

(See: Parties on page 3)



United Steelworkers, Local 9-0631  
(Valero Memphis Refinery)  
Case 15-CB-221658

- 3 -

September 13, 2018

cc: Michael Sease, President  
United Steelworkers, Local 9-0631  
1784 Kendale Avenue  
Memphis, TN 38114-1916

David R. Jury, General Counsel  
United Steel, Paper and Forestry, Rubber,  
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and Service Workers International Union,  
AFL-CIO-CLC  
Five Gateway Center, Room 807  
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Keren Wheeler  
Assistant General Counsel  
United Steelworkers, AFL-CIO  
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Valero Memphis Refinery  
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Fax: (504)589-4069

September 26, 2018

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

Re: National Association of Letter Carriers,  
Local 124 (United States Postal Service)  
Case 15-CB-222111

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

We have carefully investigated and considered your charge that National Association of Letter Carriers, AFL-CIO (NALC), Local 124 has violated the National Labor Relations Act and the Postal Reorganization 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/pal

Enclosure

(See: Parties on page 3)

cc:

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

United States Postal Service  
1521 Poland Avenue  
New Orleans, LA 70117-4800

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Deputy Managing Counsel  
United States Postal Service  
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Michael Alexander  
National Association of Letter Carriers,  
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Peter D. DeChiara, Attorney at Law  
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Kate M. Swearengen, Attorney At Law  
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900 3rd Avenue, 21st Floor  
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UNITED STATES GOVERNMENT  
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Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (504)589-6361  
Fax: (504)589-4069

September 14, 2018

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

Re: United Food & Commercial Workers,  
Local 1529 (Kroger)  
Case 15-CB-223178

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

We have carefully investigated and considered your charge that United Food & Commercial Workers, Local 1529 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:

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Very truly yours,

/s/

M. Kathleen McKinney  
Regional Director

MKM/pal

Enclosure

(See: Parties on page 3)

United Food & Commercial Workers,  
Local 1529 (Kroger)  
Case 15-CB-223178

- 3 -

September 14, 2018

cc: Leon Sheppard, Jr., President  
United Food & Commercial Workers,  
Local 1529  
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Cordova, TN 38018-8538

Roger K. Doolittle, Attorney At Law  
Doolittle & Doolittle  
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Jackson, MS 39206-3276

Robert Walker, Store Manager  
Kroger  
11630 Highway 51 S  
Atoka, TN 38004-7129





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September 26, 2018

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

Re: American Postal Workers Union Local  
2803 (United States Postal Service)  
Case 15-CB-223599

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

We have carefully investigated and considered your charge that American Postal Workers Union Local 2803 has violated the National Labor Relations Act and the Postal Reorganization Act.

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

I am declining to issue complaint in this matter, inasmuch as the evidence presented in the investigation was insufficient to establish that the Union restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by failing to obtain backpay for you as part of a class action grievance settlement for arbitrary or discriminatory reasons or in bad faith.

Under extant Board law, a union breaches its duty of fair representation to the bargaining unit it represents by engaging in conduct which is arbitrary, discriminatory or in bad faith. See *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). It is well established that a union's mere negligence, alone, does not rise to the level of arbitrary conduct. *Teamsters Local 692 (Great Western Unifreight)*, 209 NLRB 446 (1974). A union is similarly not liable under the duty of fair representation due to poor judgment, ineptitude, forgetfulness, or inadvertence. *Amalgamated Transit Union* 305 NLRB 946, 949 (1991).

The evidence obtained during the investigation established that the Union has corresponded, and continues to correspond, with the Postal Service in a good faith effort to get compensation for individuals such as yourself who were erroneously omitted from the grievance settlement. There is no evidence of bad faith or intentional actions and the investigation did not reveal the presence of any arbitrary action or discrimination against you. Accordingly, the evidence is insufficient to support a finding that the Union violated the Act.

September 26, 2018

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Very truly yours,

/s/

M. Kathleen McKinney  
Regional Director

MKM/pal

Enclosure

cc: (b) (6), (b) (7)(C)  
American Postal Workers Union  
Local 2803  
203 Buick Street  
Lafayette, LA 70501-2205

Brandon Batiste, Plant Manager (A)  
United States Postal Service  
1105 Moss Street  
Lafayette, LA 70501-9998

Roderick D. Eves  
Deputy Managing Counsel  
United States Postal Service  
(Law Department – NLRB Unit)  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948



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](http://www.nlr.gov)  
Telephone: (504)589-6362  
Fax: (504)589-4069

September 25, 2018

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

Re: National Association of Letter Carriers,  
Local No. 4323  
(United States Postal Service)  
Case 15-CB-224986

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

We have carefully investigated and considered your charge that National Association of Letter Carriers, Local No. 4323 has violated the National Labor Relations Act and the Postal Reorganization 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](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.

September 25, 2018

**Appeal Due Date:** The appeal is due on **October 9, 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 October 5, 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.

**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 October 9, 2018**. 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 October 9, 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.

**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/pal

Enclosure

(See: Parties on page 3)

National Association of Letter Carriers,  
Local No. 4323  
(United States Postal Service)  
Case 15-CB-224986

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September 25, 2018

cc:

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

United States Postal Service  
5351 Lapalco Blvd.  
Marrero, LA 70072-9998

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

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Local No. 4323  
PO Box 1112  
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