



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874

November 30, 2018

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

Re: American Postal Workers' Union
(Tampa Area Local #259)
Case 12-CB-228397

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

The Region has carefully investigated and considered your charge against American Postal Workers Union, Tampa Area Local 259 (the Union) alleging violations under Section 8 of the National Labor Relations Act, as amended (the Act).

Decision to Partially Dismiss: I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

With regard to the portions of the charge alleging that the Union failed and refused to process your discharge grievance and failed to enforce your arbitration award, in violation of Section 8(b)(1)(A) of the Act, I find that there is insufficient evidence to establish that the Union violated the Act as alleged and I am, therefore, refusing to issue a complaint with regard to those portions of the charge.

Conditional Decision to Dismiss Remainder of Charge: Based on the investigation, I have concluded that further proceedings would not effectuate the purposes and policies of the Act, and I will conditionally dismiss the remaining portion of the charge which alleges that the Union has failed to keep you abreast of the status of your discharge grievance, despite your requests for an update, in violation of Section 8(b)(1)(A) of the Act.

There is evidence that on or about (b) (6), (b) (7)(C) 2018, you sent a certified letter to the Union, requesting a response within 10 days, concerning the status of your discharge grievance, which the Union filed on your behalf on or about (b) (6), (b) (7)(C) 2016, but the Union did not respond to this inquiry until two months later, on or about (b) (6), (b) (7)(C) 2018, after the filing on the charge herein, when the Union sent you a certified letter informing you that your discharge grievance had been processed to step 3 of the grievance procedure at the National Union level. Then, on or about (b) (6), (b) (7)(C) 2018, the Union informed you that your discharge grievance would be processed to arbitration. Thus, there is arguably merit to the allegation of the charge that the Union violated Section 8(b)(1)(A) of the Act by failing to promptly communicate with you in response to your inquiry about the status of your discharge grievance. However, this alleged violation of the Act is isolated, and the Union eventually responded to your inquiry. Moreover,

the Union has assured this office that in the future it will promptly respond to the inquiries of bargaining unit employees about the status of their grievances.

In these circumstances, I will hold the remaining portion of the charge in abeyance for six months from this date unless a new meritorious charge is filed within that time alleging that the Union has engaged in other unfair labor practices that render my disposition of this charge inappropriate. Accordingly, I will hold the charge in abeyance for six months from the date of this letter. If a meritorious charge involving other unfair labor practices is filed against the Union during that period, I will reconsider whether further proceedings on the current charge are warranted.

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.

Appeal Due Date: The appeal is due on **December 14, 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 13, 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 December 14, 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 December 14, 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,



David Cohen
Regional Director

Enclosure

cc: Michael Searle, President
American Postal Workers Union,
Local 259
4409 W Alva St
Tampa, FL 33614-7638

Lisa I. Landes, Mgr/Comp Mail
Forwarding Ops.
United States Postal Service
6013 Benjamin Rd Ste 202
Tampa, FL 33634-5175



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24
525 F D ROOSEVELT AVE STE 1002
SAN JUAN, PR 00918-1002

Agency Website: www.nlr.gov
Telephone: (787)766-5347
Fax: (787)766-5478

November 28, 2018

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

Re: Union de Trabajadores de Muelles, Local
1740, ILA, AFL-CIO (SSA San Juan, Inc)
Case 12-CB-226814

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

We have carefully investigated and considered your charge that Union de Trabajadores de Muelles, Local 1740, ILA, AFL-CIO 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;
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Very truly yours,

DAVID COHEN
Regional Director

By:


VANESSA GARCIA
Officer in Charge

Enclosure

cc: Ricardo Alvarado, General Manager
SSA San Juan, Inc.
PO Box 16758
San Juan, PR 00908-6758

Carlos Sanchez, President
Union de Trabajadores de Muelles, Local
1740, ILA, AFL-CIO
PO Box 13956
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