

**NOT INCLUDED
IN BOUND VOLUMES**

**BPH
Fort Worth, TX**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

FJC SECURITY SERVICES, INC.

and

Case 16-RC-10932

**FEDERAL CONTRACT GUARDS
OF AMERICA (FCGOA)
Petitioner**

and

**UNITED GOVERNMENT AND SECURITY
OFFICERS OF AMERICA (UGSOA)
Intervenor**

DECISION AND DIRECTION

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in an election held June 2, 2010, and the hearing officer's report recommending disposition of them.¹ The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots shows 16 ballots for the Petitioner, 18 ballots for the Intervenor, 1 ballot against the participating labor organizations, and 8 challenged ballots. The challenged ballots are sufficient in number to affect the results of the election.

The Board has reviewed the record in light of the Intervenor's exceptions, and has decided to adopt the hearing officer's findings and his recommendation to overrule the

¹ No party filed exceptions to the hearing officer's recommendations to sustain the Petitioner's objections.

challenges to the eight ballots.² Therefore, without passing on the remaining issues in the proceeding, we shall direct the Regional Director to open and count the ballots of John Ruff, Oscar Silva, Sergio Diaz, Juan Cantu, Edward De La Rosa, Jose Ramirez, George Salinas, and Hector Banda and to prepare a revised tally. Following the issuance of the revised tally, the Board will resume processing this case.

DIRECTION

It is directed that the Regional Director for Region 16 shall, within 14 days from the date of this Decision and Direction, open and count the ballots of John Ruff, Oscar Silva, Sergio Diaz, Juan Cantu, Edward De La Rosa, Jose Ramirez, George Salinas, and Hector Banda. The Regional Director shall then serve on the parties a revised tally of ballots, and notify the Board of the revised count.

Dated, Washington, D.C., January 7, 2011.

Craig Becker, Member

Mark Gaston Pearce, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² The Intervenor's exceptions concerning the challenged ballots are, in effect, an attempt to litigate the scope of the bargaining unit. Because the Intervenor did not request review of the Regional Director's Decision and Direction of Election, in which that issue was resolved, it has waived its right to review of the determination. See Sec. 102.67(b) of the Board's Rules and Regulations.

The Intervenor has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.