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UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

SERVICE EMPLOYEES INTERNATIONAL UNION, UNITED HEALTHCARE WORKERS-WEST Respondent, and NATIONAL UNION OF HEALTHCARE WORKERS Charging Party.	Case No. 21-CB-15007 **RESPONDENT'S EXCEPTIONS TO THE DECISION OF ADMINISTRATIVE LAW JUDGE CLIFFORD H. ANDERSON**

Exception 1	P. 3:42-43	The finding of the ALJ to find that Respondent did not suggest to Carter that his payments were unacceptable.
Exception 2	P. 2:43-44	The finding of the ALJ that Respondent did not indicate to Carter how his payments had been applied to his dues obligations.
Exception 3	P. 10:43-44	The finding of the ALJ that Respondent did not notify Carter that it would be seeking his termination.
Exception 4	P. 12:37-39	The ALJ's finding that Carter was never told, other than by letter, that Respondent would be seeking his discharge for dues arrearage on any particular date.

Exception 5	P. 14:12-16; 14:22-25	The ALJ's finding that Respondent failed to meet the *Phildelphia Sheraton* requirements prior to causing Carter's discharge.
Exception 6	P. 14:16-17	The ALJ's finding that Respondent did not provide Carter with timely notice of the date by which his dues delinquency must be cured.
Exception 7	P. 14:17-20	The ALJ's finding that Respondent failed to provide Carter with an accounting of how his dues arrearages were calculated to the extent that his payments were applied to the balances due.
Exception 8	P. 16:43-44	The ALJ's finding that Carter repeatedly asked Respondent for a full accounting of how his dues amount was calculated.
Exception 9	P. 16:49-50	The ALJ's finding that the Respondent's failure to provide a full accounting was the basis and motive for Carter's failure to completely satisfy his arrearages.
Exception 10	P. 17:40-18:1	The ALJ's failure to find that the record showed that Carter intentionally refused to pay his dues at all.
Exception 11	P. 18:7-11	The ALJ's failure to find that Carter intentionally failed to pay his dues regardless of whether or not Respondent honored his request and its fiduciary obligation.
Exception 12	P. 18:13-18	The ALJ's failure to find that Carter intentionally failed to comply with the union-security clause and would have refused to pay his dues arrearages even if Respondent had met its complete fiduciary obligations to him respecting his dues arrearages before seeking and obtaining his discharge.
Exception 13	P. 18:18-19	The ALJ's finding that Respondent's "free rider defense" failed and that Carter was not a free rider.
Exception 14	P. 18:23-28	The ALJ's finding that Respondent did not meet its fiduciary obligations to Carter.
Exception 15	P. 18:30-35	The ALJ's finding that Respondent failed to demonstrate that Carter was acting in bad faith when he failed to satisfy his dues arrearages, and the ALJ's finding that Carter's request that Respondent provide an itemized explanation of his dues arrearages was evidence of a lack of bad faith.
Exception 16	P. 18:37-42	The ALJ's finding that Respondent violated the Act when it sought and obtained the discharge of Carter for failure to tender to Respondent dues or initiation fees.

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Dated: July 26, 2011

WEINBERG, ROGER & ROSENFELD
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By: /s/ Jacob J. White
BRUCE A. HARLAND
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125670/627899

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PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 3435 Wilshire Boulevard, Suite 620, Los Angeles, California 90010. On July 26, 2011, I served upon the following parties in this action:

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copies of the document(s) described as:

RESPONDENT'S EXCEPTIONS TO THE DECISION OF ADMINISTRATIVE LAW JUDGE CLIFFORD H. ANDERSON

[X] **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[ ] **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Los Angeles, California, on July 26, 2011.

/s/ _Melanie Garion_____
Melanie Garion

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