



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary

1099 14th Street NW, Suite 11600

Washington, DC 20570

Telephone: 202/273-1949

Fax: 202/273-4270

www.nlrb.gov

May 9, 2012

Richard K. Walker, Esq.
Walker & Peskind, PLLC
SGA Corporate Center
16100 N. 71st Street, Suite 140
Scottsdale, AZ 84254

**Re: *Food Services of America, Inc., a subsidiary of Services Group of America, Inc.*
Case 28-CA-063052**

Dear Mr. Walker:

On May 9, 2012, your office electronically filed two documents with the Office of the Executive Secretary for the National Labor Relations Board – Exceptions to the Administrative Law Judge’s Decision and Respondent’s Brief in Support of the Exceptions to the Administrative Law Judge’s Decision.

Section 102.111(b) of the Board’s Rules and Regulations State that “[w]hen the Act of any of these rules require the filing of a motion, brief, exception . . . such document must received by the Board . . . before the official closing time of the receiving office on the last day of the time limit, if any, for such filing or extension of time that may have been granted . . .”. In the event that a party chooses to electronically file the briefs, or any other papers, in a proceeding, the Agency will accept electronic filings up to 11:59 p.m. in the local time zone of the receiving office on the due date. The terms for electronic filing are posted on the Agency’s website.

The decision of the Administrative Law Judge in this proceeding was issued on March 27, 2012. An extension of time request was electronically filed on April 20, 2012 with the Office of the Executive Secretary, and on April 23, 2012 the due date for filing exceptions to the Administrative Law Judge’s decision was extended to May 8, 2012 by Associate Executive Secretary Breiteneicher. Your office electronically filed exceptions to the ALJ’s decision and a brief in support of exceptions on May 9, 2012, at 12:07:46 a.m. and 12:08:05 a.m. (EST), respectively, one day after the due date for filing exceptions in this proceeding. The filings are therefore untimely submitted and cannot be transmitted to the Board for consideration.

Pursuant to Section 102.111 (c) of the Board's Rules and Regulations, a party may request that the Board accept a late filing due to excusable neglect. That Section of the Board's Rules require that a request to accept a late-filed document based on excusable neglect must be accompanied by an affidavit or sworn statement describing the reason(s) for the lateness. Should you wish to have the Board consider your late-filed exceptions and brief in support of exceptions pursuant to the excusable neglect provision of the Board's Rules and Regulations, please file the request and required affidavit **as soon as possible, but in no event later than May 16, 2012**. Should you fail to file this request and affidavit, the Board will assume that you will not seek to have the documents considered by the Board pursuant to the "excusable neglect" provision.

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

FZQ/syh

cc: parties