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

**FRESH & EASY NEIGHBORHOOD MARKET, INC.**

**and** **Case 28-CA-064411**

**MARGARET ELIAS, an Individual**

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S**
**EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Counsel for the Acting General Counsel (General Counsel), pursuant to Section 102.46 of the Board's Rules and Regulations, files the following Exceptions to the decision of Administrative Joel P. Biblowitz, [JD(NY)-14-12] (ALJD), issued in this matter on April 23, 2012:

1. The failure of the Administrative Law Judge (ALJ) to find that Respondent, by its Employee Relations Manager Monyia Jackson (Jackson), violated the Section 8(a)(1) of the Act by orally promulgating and maintaining an overly-broad and discriminatory rule prohibiting employees from obtaining statements from their coworkers regarding allegations of sexual harassment. (ALJD 11) In support of this exception, the General Counsel relies upon the testimony of Jackson, and Charging Party Margaret Elias (Elias), and the documentary evidence introduced at trial.

2. The failure of the ALJ to find that Respondent, by Jackson, interrogated Elias because she engaged in protected concerted activities, in violation of Section 8(a)(1) of the Act. (ALJD 11) In support of this exception, the General Counsel relies upon the testimony of Jackson and Elias, and the documentary evidence introduced at trial.

3. The failure of the ALJ to find that Elias was engaged in protected concerted activity. In support of this exception, the General Counsel relies upon the testimony of Jackson, Elias, Michael Anderson, Victoria Giro, and Krista Yates, and the documentary evidence introduced at trial.

Dated at Phoenix, Arizona, this 21st day of May 2012.

Respectfully submitted,

/s/ William Mabry III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in FRESH & EASY NEIGHBORHOOD MARKET, INC., was served by E-Gov, E-filing, on this 21st day of May 2012 on the following:

***Via E-Gov, E-Filing:***
Lester Heltzer, Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
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