United States Government

NATIONAL LABOR RELATIONS BOARD
1099 14th STREET NW
WASHINGTON DC 20570

July 10, 2012

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

ORDER

The Motion for Reconsideration of Denial of Motion to Accept Respondent's Exceptions to Decision of ALJ and Brief in Support of Exceptions is denied. The Respondent consented to the Board's e-filing terms. These terms, *inter alia*, warn potential e-filers not to wait until the last minute to file, and that problems with a user's hardware or software do not constitute a technical failure that will excuse an untimely filing.[1] Accordingly, the Respondent's asserted reasons for its late filing, *i.e.*, technological difficulties on the user's end, do not rise to the level of excusable neglect.

By direction of the Board:

Farah Z. Qureshi
Associate Executive Secretary

---

[1] The Board's e-filing terms state the following:

> User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. *Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril*. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem. [Emphasis added].

cc: Parties