

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

COMMUNICATIONS WORKERS OF AMERICA)	
)	
and)	
)	Case No. 8-CB-10487
COMMUNICATIONS WORKERS OF AMERICA)	
LOCAL 4309,)	
)	
Respondents,)	
)	
and)	
)	
SANDA ILIAS,)	
)	
Charging Party.)	

**CHARGING PARTY'S OPPOSITION TO
RE-OPENING OR SUPPLEMENTING
THE RECORD**

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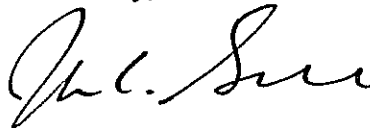
Attorney for Charging Party

Respondent Communications Workers of America Local 4309 (“Union”), has filed a motion to REOPEN OR SUPPLEMENT THE RECORD. Charging Party Sanda Ilias opposes that motion.

Respondent Union did not move to re-open the record at the time of remand. Because Administrative Law Judge Clark ruled, on remand, that the case was limited to facts at the time of trial (2, lines 37-42), Charging Party limited her exceptions and brief in support of the exceptions to those issues at the time of the trial as per Judge Clark’s decision. Additionally, any post-hearing evidence in this case is irrelevant to the issue of whether the Union violated the Act. Any post-hearing changes are only relevant in compliance. A respondent cannot escape liability for committing an unfair labor practice by a post-hearing change in policy. If Respondents could evade being found guilty of committing unfair labor practices by post-hearing policy changes, there would be little incentive to obey the law prior to the hearing.

While Charging Party Ilias opposes the motion to re-open the record, if it is granted, the case should be remanded for further hearing on the Union’s new policy.

Sincerely,



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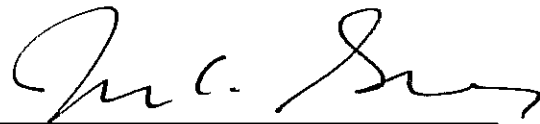
October 22, 2012

CERTIFICATE OF SERVICE

I certify that, on October 22, 2012, the Charging Party's Opposition to Respondent's Motion to Re-open or Supplement the Record was electronically filed with the National Labor Relations Board, and sent via e-mail to the following:

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October 22, 2012