

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

VOITH INDUSTRIAL SERVICES, INC.

and

Cases 9-CA-075496
9-CA-078747
9-CA-082437

GENERAL DRIVERS, WAREHOUSEMEN &
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

and

UNITED AUTOMOTIVE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, AFL-CIO

and

UNITED AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, LOCAL UNION NO. 862, AFL-CIO

and

9-CB-075505
9-CB-082805

GENERAL DRIVERS, WAREHOUSEMEN &
HELPERS, LOCAL UNION 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

ORDER

By motion dated December 12, 2012, the Teamsters Union No. 89 (Charging Party) moved to strike and disregard the post-hearing brief of Respondent Voith Industrial Services, Inc. (Respondent Voith) as untimely filed.

By motion to the undersigned dated December 12, 2012 Respondent Voith seeks acceptance of its post-hearing brief.

Although Respondent Voith's motion asserts that the transcript in these proceedings (TR 3122-3123) specifically states that the post-hearing briefs were to be mailed to the Chief Administrative Law Judge, no such remarks appear therein. On the other hand, as noted by Respondent Voith's motion, the moving party must establish "undue prejudice" to reject a document filed with the Board. In light of Respondent Voith's representations and case citations in its motion and attached affidavit explaining the inadvertent error, the diligent attention to them, and the fact that no undue prejudice has resulted to any party, I have determined to accept Respondent Voith's post-hearing brief as timely filed.

In this regard, as represented on the record, I intend to issue my decision in this matter without delay.

Dated: December 13, 2012.

Bruce D. Rosenstein
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Administrative Law Judge

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CERTIFICATE OF SERVICE

A copy of the Order in the above captioned was served electronically upon the following:

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