

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION THIRTEEN

STAFFING DIMENSIONS OF )  
LIBERTYVILLE, LLC, )  
 )  
Employer, )  
 )  
and )  
 )  
MATTHEW MEILLER )  
 )  
Petitioner, )  
 )  
and )  
 )  
AFSCME COUNCIL 31, LOCAL 2452, )  
 )  
Union. )

Case 13-RD-95653

**STAFFING DIMENSIONS OF LIBERTYVILLE, LLC'S MOTION FOR VOLUNTARY  
WITHDRAWAL OF REQUEST FOR REVIEW OF REGIONAL DIRECTOR'S  
DECISION TO HOLD PETITION IN ABEYANCE**

Staffing Dimensions of Libertyville, LLC (the Company), by its counsel, hereby submits this Motion for Voluntary Withdrawal of its Request for Review of the Regional Director's Decision to Hold Petition in Abeyance. In support of its motion, the Company states as follows:

1. On December 4, 2012, the American Federation of State, County and Municipal Employees, Council 31, Local 2452 (the Union) filed an unfair labor practice charge (the Charge) in Case 13-CA-094169 alleging that the Company violated Sections 8(a)(1) and (3) of the National Labor Relations Act, 29 U.S.C. §§151-169 (the Act), when it refused to interview or hire John Jenkins and when it refused to allow him on the Company's premises on August 9, 2012.

2. On December 31, 2012, Matthew Meiller (the Petitioner) filed a petition seeking to decertify the Union as the exclusive representative of one of the bargaining units of employees employed by the Company.

3. A hearing on the decertification petition was held on January 11, 2013 before a Hearing Officer of the National Labor Relations Board (the Board).

4. On January 18, 2013, the parties submitted post-hearing briefs pursuant to the prior order of the Hearing Officer at the hearing. On that same day, January 18, 2013, the Regional Director notified the parties that he had decided to hold further processing of the decertification petition in abeyance, stating that if the unfair labor practice allegation(s) raised by the Charge “are true, until remedied, they could affect the free choice of employees in an election, were one to be conducted.”

5. On February 22, 2013, the Regional Director issued a decision dismissing the Charge in its entirety. A copy of that decision is attached as Exhibit A.


6. On February 26, 2013, the Regional Director notified counsel for the Company that the Region “unblocked” the decertification petition, and that “the decision and direction of election will issue shortly.”

7. As a result of the Region’s decision to no longer block the further processing of the decertification petition, the Company hereby moves to withdraw its request for review of the Regional Director’s original decision to hold the decertification petition in abeyance.

WHEREFORE, the Company moves to withdraw its Request for Review of the Regional Director's Decision to Hold Petition in Abeyance.

Respectfully submitted,

Staffing Dimensions of Libertyville, LLC



By: \_\_\_\_\_

Christopher A. Johlle

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Jennifer A. Dunn  
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(312) 986-0300

Dated: February 26, 2013

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that he caused a copy of the foregoing **STAFFING DIMENSIONS OF LIBERTYVILLE, LLC'S MOTION FOR VOLUNTARY WITHDRAWAL OF REQUEST FOR REVIEW OF REGIONAL DIRECTOR'S DECISION TO HOLD PETITION IN ABEYANCE** to be served upon the following, via electronic filing and e-mail, on February 26, 2013:

**VIA ELECTRONIC FILING:**

National Labor Relations Board  
1099 14<sup>th</sup> Street, NW  
Suite 6300  
Washington, DC 20570-0001

Regional Director  
National Labor Relations Board (Region 13)  
209 South LaSalle Street  
Suite 900  
Chicago, IL 60604-5208

**VIA E-MAIL:**

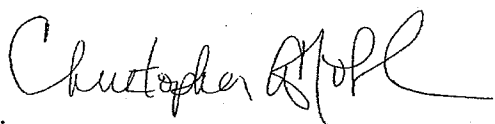
Counsel for the Union  
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25 East Washington Street  
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**VIA E-MAIL:**

Petitioner Matthew Meiller  
375 West Winchester Road  
Libertyville, IL 60048  
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**VIA E-MAIL**

Joyce Hofstra  
Field Examiner  
National Labor Relations Board, Region 13  
209 South LaSalle Street  
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Chicago, IL 60604-5208

By:   
Christopher A. Johlie

# **EXHIBIT A**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
209 S LA SALLE ST STE 900  
CHICAGO, IL 60604-1443

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

February 22, 2013

MATTHEW LAPIERRE  
AMERICAN FEDERATION OF STATE  
COUNTY AND MUNICIPAL EMPLOYEES  
(AFSCME) COUNCIL 31, AFL-CIO  
205 N MICHIGAN AVE., STE 2100  
CHICAGO, IL 60601-5958

MELISSA J. AUERBACH, ATTORNEY  
CORNFIELD AND FELDMAN  
25 E WASHINGTON ST., STE 1400  
CHICAGO, IL 60602-1803

Re: Staffing Dimensions of Libertyville, LLC  
(SDL) (WINCHESTER HOUSE)  
Case 13-CA-094169

Dear Mr. Lapierre and Ms. Auerbach:

We have carefully investigated and considered your charge that STAFFING DIMENSIONS OF LIBERTYVILLE, LLC has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You have alleged that Staffing Solutions of Libertyville, LLC, refused to interview, hire or allow John Jenkins on the premises of the Winchester House facility because he engaged in protected concerted or union activities. However, the evidence is insufficient to show that Mr. Jenkins was not interviewed or hired because he engaged in protected concerted or union activities or for reasons other than those advanced by the Employer. The evidence also was insufficient to show the Employer denied Mr. Jenkins access to the Winchester House facility because he engaged in protected concerted or union activities.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

received  
2-25-13

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **March 8, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than March 7, 2013.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before March 8, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Peter Sung Ohr  
Regional Director

Enclosure

cc GENERAL COUNSEL  
OFFICE OF APPEALS  
FRANKLIN COURT BUILDING  
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HG/sm