UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

June 24, 2013

[redacted]

Re: INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 18
(Bowen Engineering Group)
Case 09-CB-092868

Dear [redacted]:

We have carefully investigated and considered your charge that INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 18, DISTRICT 4, AFL-CIO has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

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. 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.

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.nlrb.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 **July 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 July 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.nlrb.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 July 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,

/s/ Gary W. Muffley

Gary W. Muffley
Regional Director

Enclosure

cc GENERAL COUNSEL - OFFICE OF APPEALS - FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD - 1099 14TH STREET, NW
WASHINGTON, DC 20570

[redacted] - INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18 - 3515 PROSPECT AVENUE - CLEVELAND, OH 44115-2648

[redacted], ATTORNEY AT LAW - WULIGER FADEL & BEYER, THE BROWNELL BLDG. - 1340 SUMNER AVE - CLEVELAND, OH 44115-2851

[redacted] - DISTRICT REPRESENTATIVE - INT'L UNION OF OPERATING ENGINEERS, LOCAL 18 AND ITS BRANCHES - 8401 CLAUDE THOMAS ROAD, SUITE 21A - FRANKLIN, OH 45005-1476

[redacted] - BOWEN ENGINEERING GROUP - 8802 N MERIDIAN ST
INDIANAPOLIS, IN 46260-5380

Form NLRB–4767

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

_____

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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(Signature)