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August 21, 2013

VIA FACSIMILE 202-273-4270 and FIRST CLASS MAIL
Gary Shinners, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Re: Macy's, Inc., Case No.1-RC-91163

Dear Mr. Shinners:

This case is before the Board on review from a decision and direction of election by the Regional Director of the First Region. The election has been held and the ballots were impounded by order of the Board. We are counsel to the petitioner, Local 1445, United Food and Commercial Workers Union.

I respectfully direct the Board's attention to the decision and opinion of the Court of Appeals for the Sixth Circuit in Specialty Hardware v. NLRB, No. 12-1027/1174 (August 15, 2013), enforcing the Board's decision at 357 NLRB No. 83 (2011). Under the reasoning of the Court of Appeals the Board should deny the employer's request for review and order that the ballots be counted and an appropriate certificate of results be issued.

Very truly yours,

Warren H. Pyle

Warren H. Pyle

cc: William F. Joy, Jr., Esq.

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