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Septiembre 20, 2013

National Labor Relations Board
Attn: Gary Shinnars, Executive Secretary
1099 14th St. NW
Washington, DC 20570

OPEIU
12-RC-113181

Dear Mr. Shinnars:

The Employer in the above entitled case hereby files a Special Appeal of the Regional Director's denial of our request to transfer the case to Region 2. A hearing is currently scheduled for September 26, 2013 in Miami, Florida. The Employer made the request to transfer the case because the offices of the Employer and the Petitioner are both in New York and the Employer's witnesses and counsel are located in New York. The Petitioner's counsel is in Washington, D.C. Unit employees are located throughout the United States.

We were informed that the Regional Director denied our request to transfer the case because several unit employees are in Florida and a few in Puerto Rico, now a subregion of Region 12. However, the it is our understanding that the eligibility of the employees who reside or work within the jurisdiction of Region 12 is not in dispute. There appears to be no issue in the case to which they would testify. The rationale justifying denial of our request does not seem valid in view of the burden placed on other parties. We have solicited the Petitioner's current position on the transfer but Petitioner has not taken a position as of this time.

Considering all the circumstances involved, the clear nexus of this case with New York City clearly militates in favor of the transfer in this case to Region 2. Granting this special appeal to transfer the case to Region 2 is therefore respectfully requested.

Very truly yours,

Daniel Silverman
Attorney for the Employer

cc: Margaret Diaz, Director, Region 12
Karen Fernbach, Director, Region 2
Barbara Camens and Michael Melick, Attorneys for Petitioner
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Melvin S. Schwarzwald, Co-Counsel for Employer