



November 19, 2013

Henry S. Breiteneicher, Associate Executive Secretary
National Labor Relations Board- Office of the Executive Secretary
1099 14th Street, N.W.
Washington, D.C. 20570
Via Facsimile 202-273-4270

Re: Cole Essling v. Apple American Group LLC
NLRB Case No. 18-CA-097617

Dear Mr. Breiteneicher,

My name is Melissa Griffin and I am in-house counsel for Apple American Group LLC. I am in receipt of your letter dated November 19, 2013 in which you allege that Respondent's exceptions and supporting brief, filed on November 15, 2013, were untimely. I write to request reconsideration of your determination.

The Order Transferring Proceeding to the National Labor Relations Board was filed on September 30, 2013 and sent via us mail to Respondent. The very next day, the National Labor Relations Board shut down. The Board's website was offline for the duration of the government shutdown. On October 18, 2013, notice was posted that the board would toll statutes of limitations for the duration of the shutdown.

As the office was already shut down by the time Respondent received the order of transfer, and the Respondent was in the dark about the effect on deadlines and unable to use NLRB online resources until October 18, the period in which to file exceptions appeared to be 28 days from the Board's re-opening on October 17, which is November 15, the date upon which exceptions were filed.

NLRB Regulations provide that exceptions may be filed, "within a reasonable time after the time prescribed by these rules only upon good cause shown based on excusable neglect and when no undue prejudice would result." Sec. 102.111. In this case, the government shutdown was an extraordinary circumstance whose effect on Board proceedings was likely disruptive in a number of ways, including on the ability of parties to accurately calculate deadlines. The delay of 48 hours is neither prejudicial nor an unreasonable reading of the effect of the shutdown on Board operations.

In this case, there is no allegation of anti-union animus, complaining party is no longer employed with Respondent and in fact, representatives from Region 18 will attest that Respondent has acted with utmost reason and amicability in this case - for example, foregoing a hearing on the merits and agreeing to a joint stipulation, in addition to steadfastly adhering to every deadline.

In light of the foregoing, I urge you to reconsider your decision to reject the Respondent's exceptions.

• Apple American Group LLC •

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Sincerely,



Melissa Griffin
Counsel