



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 7

Patrick V. McNamara Federal Building

477 Michigan Avenue, Room 300

Detroit, MI 48226-2569

Telephone (313)226-3200

FAX (313) 226-2090

www.nlr.gov

Toll Free Number: 1-866-315-6572

May 27, 2011

Plunkett & Cooney, P.C.
Attn: Stanley C. Moore, Esq.
38505 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304

National Right to Work Legal
Defense and Education Foundation, Inc.
Attn: Glenn M. Taubman, Esq.
8001 Braddock Road, Suite 600
Springfield, VA 22160

Independent Union Local One, an affiliate of
Local 174, International Union, United
Automobile, Aerospace and Agricultural
Implement Workers of America (UAW), AFL-CIO
29841 Van Born Road
Romulus, MI 48174

Re: Wellington Industries, Inc.
Case 7-UD-568

Gentlemen:

The above case, petitioning for a deauthorization election under Section 9 of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation of the allegations made in Case 7-CA-53182, filed by Local 174, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, a Complaint and Notice of Hearing issued on December 22, 2010. After the conclusion of the hearing, the Administrative Law Judge (ALJ), on February 10, 2011, issued a bench decision finding that the Employer's refusal to bargain with the Union violated Section 8(a)(5) of the Act.

Thereafter, on May 2, the ALJ issued a Bench Decision and Certification. Exceptions to the ALJ's decision are due by May 31, 2011.

I have concluded that until the alleged unlawful acts found in Case 7-CA-53182 are remedied, they could affect the free choice of employees in an election were one to be conducted.¹ Carson Pirie Scott and Company, 69 NLRB 935, 938, 939 (1946); J.C. Penney Company, (Store #134) 162 NLRB 1553, 1555, n.3 (1967); Henry Colder Company, 163 NLRB 105, 109, n.11 (1967); Big Three Industries, 201 NLRB 197 (1973). Therefore, any further proceedings in this case, including an election, are postponed pending resolution of the unfair labor practice charge in Case 7-CA-53182.

Right to Request Review: Pursuant to the provisions of Sections 102.67 and 102.71 of the National Labor Relations Board's Rules and Regulations, any party may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **June 10, 2011**, at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.² A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively

¹ Section 11730 of the National Labor Relations Board's Case Handling Manual for Representational Proceedings applies to situations involving deauthorization petitions as well as representation petitions.

² A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

Stephen M. Glasser
Regional Director

BLJ/ld

cc:

Executive Secretary

Wellington Industries, Inc.
Attn: John Brodowsky
39555 South Interstate 94 Service
Belleville, MI 48111

International Union, United Automobile,
Aerospace and Agricultural Implement Workers
of America (UAW), AFL-CIO
Attn: Michael Nicholson, Esq.
8000 E. Jefferson Avenue
Detroit, MI 48214

Local One, Independent Union
Attn: Ann Hilderbrandt, Esq.
65 Cadallic Square, Suite 2610
Detroit, MI 48226

Brenda Kowalski
26830 Leroy Street
Taylor, MI 48180

Miller Cohen PLC
Attn: Robert D. Fetter, Esq.
600 W. Lafayette Blvd.
Detroit, MI 48226