

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TAYLOR MADE TRANSPORTATION  
SERVICES, INC.

and

KIMBERLY TUTT, AN INDIVIDUAL

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Case No. 05-CA-036646

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**RESPONDENT'S EXCEPTIONS  
TO ADMINISTRATIVE LAW JUDGE'S DECISION**

Respondent, Taylor Made Transportation Services, Inc. ("Taylor Made"), by its counsel, McKennon Shelton & Henn LLP, respectfully submits this Respondent's Exceptions to the Administrative Law Judge's Decision of the Administrative Law Judge ("ALJ") in the above captioned case dated December 15, 2011, as follows:

(1) To the ALJ's finding that Kimberly Tutt's transfer from the Social Security Administration contract to the Centers Medicare and Medicaid Services (CMS) was to assist the Respondent in effectuating the new contract. (D.3:42-43)

(2) To the ALJ's finding that the General Counsel made a prima facie showing sufficient to support the inference that protected conduct was a "motivating factor" in Taylor Made's termination of Ms. Tutt. (D. 7:3-25)

(3) To the ALJ's finding that James Kearney did not issue Ms. Tutt any written warning or impose discipline. (D.3:ft2)

(4) To the ALJ's finding that Maryce Willis determined that Ms. Tutt violated Taylor Made Policies by discussing her wages. (D:4:5-8)

(5) To the ALJ's finding that Taylor Made informed Ms. Tutt that employees were upset because Ms. Tutt's wages were higher. (D.4:35-36)

(6) To the ALJ's failure to find that Taylor Made discussed topics other than cell-phone usage and pay rate disclosure at the April 22<sup>nd</sup> meeting. (D.4:31-42)

(7) To the ALJ's finding that Taylor Made did not meet its rebuttal burden under *Wright Line*. (D. 7:27-31)

(8) To the ALJ's finding that the report of the hearing with the State Department of Labor, Licensing and Regulation Office of Unemployment Insurance was complete and accurate. (D.5:11-34)

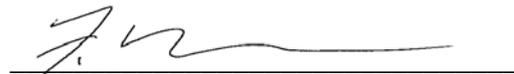
(9) To the ALJ's finding that Taylor Made did not assert its present defense until after May 31, 2011. (D.7:38-49)

(10) To the ALJ's Conclusion of Law number 3 that the Employer violated Section 8 (a)(l) of the Act by suspending and discharged Ms. Tutt.

(11) To the ALJ's Remedy (D.8:35-47; 7:1-11)

(12) To the ALJ's Order Ms. Tutt reinstated (D.9:31-39) (D.9:31-42; 10:1-22)

Dated: January 12, 2012



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TAYLOR MADE TRANSPORTATION

SERVICES, INC.

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and

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KIMBERLY TUTT, AN INDIVIDUAL

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Respondent

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of January, 2012, a copy of the foregoing Respondent's Exceptions to Administrative Law Judge's Decision was mailed by overnight delivery to the following parties:

Ms. Kimberly Tutt  
Apartment F  
3014 Clifton Park Terrance  
Baltimore, MD 21213-1136

Wayne R. Gold  
Regional Director  
National Labor Relations Board Regions  
103 South Gay Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

And served by electronic mail to the following party:

Patrick J. Cullen, Senior Field Attorney  
National Labor Relations Board, Region 5  
Patrick.Cullen@nlrb.gov



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Fabian D. Walters, Jr.