



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N PENNSYLVANIA ST  
STE 238  
INDIANAPOLIS, IN 46204-1563

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

November 21, 2012

████████████████████  
BOSE MCKINNEY & EVANS LLP  
111 MONUMENT CIRCLE, STE 2700  
INDIANAPOLIS, IN 46204-5120

Re: INTERNATIONAL UNION OF  
TEAMSTERS, LOCAL 142 (ROBERTS  
PIPELINE, INC.)  
Case 25-CC-092636

INTERNATIONAL UNION OF  
TEAMSTERS, LOCAL 179 (ROBERTS  
PIPELINE, INC.)  
Case 25-CC-092638

INTERNATIONAL UNION OF  
TEAMSTERS, LOCAL 142 (ROBERTS  
PIPELINE, INC.)  
Case 25-CD-092645

INTERNATIONAL UNION OF  
TEAMSTERS, LOCAL 179 (ROBERTS  
PIPELINE, INC.)  
Case 25-CD-092655

Dear ██████████:

We have carefully investigated and considered your charges that INTERNATIONAL UNION OF TEAMSTERS, LOCAL 142 and INTERNATIONAL UNION OF TEAMSTERS, LOCAL 179 (herein referred as Local 142 and Local 179 respectively) have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charges allege that Local Union 142 and 179 picketed the Employer at various work sites for driver/hauler work that is being performed by employees represented by the International Union of Operating Engineers (IUOE) and Laborers International Union of North America (LIUNA) under existing collective bargaining agreements in violation of Section 8(b)(4)(C) and (D) of the Act. During the investigation, the Employer alleged that on November

5 and 6, 2012, there were picketers from Local 142 and Local 179 at various jobsites of the Employer. However, the investigation revealed a lack of first hand testimony regarding the alleged unlawful conduct by the Charged Unions. Additionally, there is insufficient evidence of a violation of Section 8(b)(4)(C) because neither IUOE nor LIUNA is a certified representative of the Employer's employees. Finally, there is insufficient evidence of any competing claims for the Employer's truck driving work and thus there is no jurisdictional dispute under Section 8(b)(4)(D).

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charges was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on December 5, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than December 4, 2012.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** December 5, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is

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successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



RIK LINEBACK  
Regional Director

Enclosure

cc GENERAL COUNSEL  
OFFICE OF APPEALS  
FRANKLIN COURT BUILDING  
NATIONAL LABOR RELATIONS  
BOARD  
1099 14<sup>TH</sup> STREET, NW  
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SECRETARY/TREASURER  
INTERNATIONAL UNION OF  
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CHICAGO, IL 60603

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
Room 8820, 1099 - 14th Street, N.W.  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*