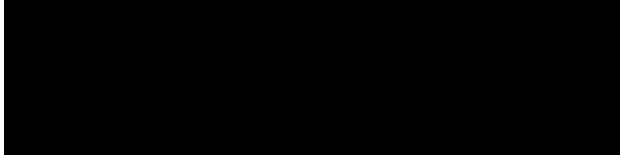




UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

August 8, 2013



Re: Aviation Safeguards
Case 29-CA-106623

Allied International Union (Aviation
Safeguards)
Case 29-CB-106608

Dear [REDACTED]:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

Apart from whether this Agency has jurisdiction in this matter, and contrary to the assertions on appeal, the Regional Office's investigation did not disclose that either the Employer or the Union violated the National Labor Relations Act, as alleged. In this regard, the investigation did not disclose that the Employer acted for reasons violative of the Act rather than because it did not believe it had an available position that could [REDACTED]

[REDACTED] Nor did the evidence disclose that the Union's representation was unlawful under the Act. Here, the evidence did not disclose that the Union relied on unlawful reasons in determining that the Employer's action did not violate the parties' collective bargaining agreement. Consequently, the burden of establishing that either the Employer or the Union violated the Act, as alleged, could not be sustained.

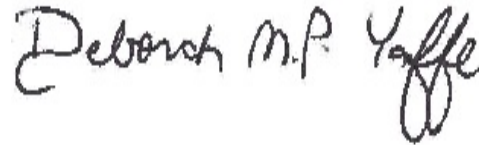
To the extent that you believe that the Employer's action violated the Americans with Disabilities Act (ADA), please be advised that this Agency does not have jurisdiction to review such matters. You may contact the Equal Employment for Opportunity Commission (EEOC) to pursue such claims.

Accordingly, further proceedings are unwarranted in these cases.

Sincerely,


Lafe E. Solomon
Acting General Counsel


By:

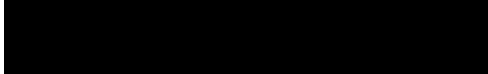


Deborah M.P. Yaffe, Director
Office of Appeals

cc: JAMES PAULSEN, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
TWO METRO TECH CENTER STE 5100 FL 5
BROOKLYN, NY 11201-3838


JACKSON LEWIS LLP
1 N BROADWAY STE 1502
WHITE PLAINS, NY 10601-2310


AVIATION SAFEGUARD, INC.
17501 ROCKAWAY BLVD
JAMAICA, NY 11434-5521


ALLIED INTERNATIONAL UNION
332 WILLIS AVE STE 2
MINEOLA, NY 11501-1500

lmr