



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

March 31, 2014

[REDACTED]

Re: GREENVILLE FEDERAL FINANCIAL CORPORATION D/B/A  
GREENVILLE FEDERAL  
Case 09-CA-075284

Dear [REDACTED]:

I have carefully investigated and considered all issues related to compliance with the Settlement Agreement and whether to re-issue the Consolidated Complaint in this matter.

**Decision:** After thorough consideration, I have decided not to re-issue the Consolidated Complaint for the reasons discussed below.

The Settlement Agreement approved on October 25, 2013, required the Employer to, among other things, issue you a new employee evaluation removing all adverse references to your protected activities and to re-consider you for a pay raise. Thereafter, the Employer issued a new evaluation which, in the Region's opinion, still contained apparent references to protected activity. Based on the evaluation, the Employer maintained its position that a pay raise was not warranted. You took the position that the Employer was not in compliance with the terms of the Settlement Agreement. The Region found merit to your position and filed a motion for default judgment with the Board contending that the Employer had failed to comply with the settlement and asking the Board to find as true all the allegations of the Consolidated Complaint.

On March 12, 2014, the Board issued its Order Denying Motion wherein in it denied the Region's motion for default judgment and found the language of the new evaluation insufficient to warrant a finding that the Employer had failed to comply with the settlement. The Board remanded the case to the Region for further appropriate action. Thereafter the Region withdrew the Consolidated Complaint. You have objected to this action.

Based upon the fact that the Board has already reviewed the primary evidence of non-compliance and found it unpersuasive, the relatively small amount of potential back pay involved in this matter and the steps taken by the Employer to comply with other provisions of the settlement, I have determined that further proceedings in this matter are not warranted and am refusing to re-issue the Consolidated Complaint.

**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 was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File 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 **April 14, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 13, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 14, 2014**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 14, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also 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 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

GREENVILLE FEDERAL FINANCIAL  
CORPORATION D/B/A GREENVILLE  
FEDERAL  
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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,

/s/ Gary W. Muffley

Gary W. Muffley  
Regional Director

Enclosure

cc:

  
GREENVILLE FEDERAL FINANCIAL  
CORPORATION D/B/A GREENVILLE  
FEDERAL  
690 WAGNER AVE  
GREENVILLE, OH 45331-2649

  
ATTORNEY AT LAW  
GOUBEAUZ & BRAND  
PO BOX 158  
100 WASHINGTON AVE  
GREENVILLE, OH 45331-0158

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)*