

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18 – SUBREGION 30**

FTS INTERNATIONAL PROPPANTS, LLC¹

and

**Cases 30-CA-082116
30-RC-006783**

**INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 139, AFL-CIO**

MOTION TO REMAND FOR WITHDRAWAL PROCESSING

Pursuant to the Board's Rules and Regulations including Section 102.49, Counsel for the General Counsel requests that this matter be remanded to the Regional Director for Region 18, in order to permit him to approve a request to withdraw the underlying unfair labor practice charge and petition filed by the International Union of Operating Engineers, Local 139, AFL-CIO's (Union).

On August 15, 2012, the Board issued a Decision and Order in this case requiring FTS International Proppants, LLC f/k/a Proppant Specialists, LLC (Respondent) to bargain with the Union. Following the issuance of the Board Order, this matter was appealed the United States Court of Appeals for the Seventh Circuit. In addition to an appeal on the merits, the Respondent also raised issues arising under *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013). On July 2, 2014, the United States Court of Appeals for the Seventh Circuit granted the petition for review, vacated the Board's Order and denied the cross-petition of the Board for enforcement of the Order.

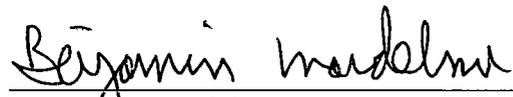
¹ Following the Board Order, the Employer changed its name as reflected here.

On July 15, 2014, the Union requested that the underlying unfair labor practice charge and petition be withdrawn due to the sale and closure of Respondent's facility in Tomah, Wisconsin, thereby rendering additional actions in this matter futile.

This motion is filed with the consent of all of the parties.

Dated at Milwaukee, Wisconsin on September 3, 2014.

Respectfully submitted,



Benjamin Mandelman
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Region 18 – Subregion 30
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**INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 139, AFL-CIO**

AFFIDAVIT OF SERVICE OF MOTION TO REMAND FOR WITHDRAWAL PROCESSING
I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **September 3, 2014**, I served the below-entitled document(s) by the method identified below upon the following:

Gary W. Shinnors, Executive Secretary E-filed
Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
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September 3, 2014

Carrie J. Klusman, Designated Agent of
NLRB

Date

Name

/s/ Carrie J. Klusman

Signature