

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW) AND ITS LOCAL 1700

Petitioner

v

Case No. _____
Case No. 7-CB-082391

THE NATIONAL LABOR RELATIONS
BOARD

PETITION FOR REVIEW
(ORAL ARGUMENT
REQUESTED)

Respondent.

PETITION FOR REVIEW OF A DECISION OF
THE NATIONAL LABOR RELATIONS BOARD

The UAW and its Local 1700 hereby petition the Court under FRAP 15(a) for review of the Decision and Order of the National Labor Relations Board (NLRB) issued in *Caravan Knight Facilities Management, Inc. and Aretha A. Powell v. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, and its Local 1700 and Aretha A. Powell*, Cases 07-CA-081195 and 07-CB-082391. Specifically, Petitioner seeks review of the NLRB's conclusion that the Union breached its duty of fair representation in violation of Section 8(b)(1)(A) based upon an "alternative" theory not raised in the

Complaint and not litigated at trial. The Union also seeks review of the NLRB's remedy requiring the Union to permit Powell to be represented by her own counsel at the Union's expense, potentially through compliance proceedings during which the General Counsel would be given an opportunity to show that the grievance "would have been successful in arbitration" despite the Arbitrator's ruling and the NLRB determination that there was "no breach of the duty of fair representation in the Union's failure to take the grievance to arbitration."

The NLRB's Decision and Order in the above case was issued on August 27, 2015.

A copy of the Decision and Order is attached as Exhibit A.

Respectfully submitted:

By: /s/ Darcie R. Brault
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Dated: October 27, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 27, 2015, the foregoing pleading was filed in the U.S. Court of Appeals for the Sixth Circuit and served upon the following:

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by regular U.S. Mail, postage prepaid.

Respectfully submitted:

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