



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

January 5, 2016

[REDACTED]
[REDACTED]
UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED-INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
LOCAL 2324-5, AFL-CIO-CLC
FIVE GATEWAY CENTER RM 807
PITTSBURGH, PA 15222

Re: AP Green Industries Inc.
Case 09-CA-151919

Dear [REDACTED]:

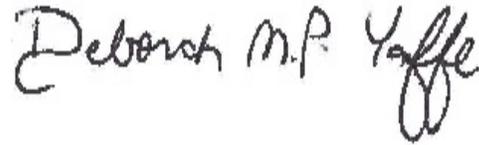
This office has carefully considered the appeal from the Regional Director's refusal to issue complaint in the above-captioned case. We agree with the Regional Director's decision and deny the appeal substantially for the reasons in the Regional Director's letter of August 27, 2015.

The evidence failed to establish that the Employer violated the National Labor Relations Act by failing or refusing to provide the Union with requested information relevant to the performance of its collective bargaining duties. In the instant case, the probative evidence indicates the Employer did not claim an inability to pay, and therefore was not required to open all of its financial books. Additionally, the probative evidence failed to establish that the Union requested and was denied information on gain sharing, prior to the filing of the charge. Finally, contrary to the contention appeal, there was insufficient evidence to conclude that the Employer failed to provide the Union with information on cost saving proposals.

Accordingly, further proceedings are unwarranted in this case.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By: _____

Deborah M.P. Yaffe, Director
Office of Appeals

cc: GAREY EDWARD LINDSAY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
550 MAIN ST RM 3003
CINCINNATI, OH 45202-3271



AP GREEN INDUSTRIES, INC.
1305 CHERRINGTON PKWY STE 100
MOON TOWNSHIP, PA 15108


625 LIBERTY AVE
PITTSBURGH, PA 15222-3152

kf