

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

GOODMAN LOGISTICS, LLC; GOODMAN TANK
LINES, INC.; GOODMAN HOLDING COMPANY,
LTD.; AND STOWE LEASING, INC., a single employer

and

CASE 08-CA-159343

JEFFREY SZUCS, An Individual

**MOTION TO THE NATIONAL LABOR
RELATIONS BOARD FOR DEFAULT JUDGMENT**

Counsel for the General Counsel respectfully moves the National Labor Relations Board (Board) for default judgment in this case, requesting that the allegations in the Complaint and Compliance Specification issued in this matter be found to be true, that the Board make findings of fact and conclusions of law based upon these allegations and that the Board issue an appropriate Decision and Order.

MEMORANDUM IN SUPPORT

I. FACTS

A Complaint, Order Consolidating Complaint and Compliance Specification, Compliance Specification and Notice of Hearing (Complaint and Compliance Specification) issued in this case on December 29, 2015. (Exhibit A) The Complaint and Compliance Specification was served on Goodman Logistics, LLC; Goodman Tank Lines, Inc.; Goodman Holding Company, Ltd. and Stowe Leasing, Inc. (collectively, Respondents) on the same date. (Exhibit B) The

Complaint and Compliance Specification was also served on Respondents' attorney Kevin Breen, who filed a notice of appearance on September 30, 2015. Respondents received the Complaint and Compliance Specification on January 5, 2016. (Exhibit C)

The Complaint and Compliance Specification provides notice to Respondents that they must file an answer by January 19, 2016. It further advises Respondents that, "[i]f no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint and compliance specification are true."

Respondents failed to file an answer by January 19, 2016. By electronic mail on January 28, 2016, the undersigned notified Attorney Breen of Respondents failure to file an answer. (Exhibit D) Attorney Breen replied on January 28, 2016 stating that he no longer represented Respondents in the matter. (Exhibit E) On January 29, 2016, via facsimile, Counsel for the General Counsel advised Respondents of their failure to file an answer and notified Respondents that their failure to file an answer by February 5, 2016 could result in the filing of a motion for default judgment. (Exhibit F) The facsimile transmission confirmation is attached as Exhibit G. At no time after January 28, 2016 have Respondents attempted to contact the undersigned.

As of the date of this Motion, Respondents have failed to file an answer to the Complaint and Compliance Specification. Respondents have made no requests for additional time to file an answer.

II. LEGAL ANALYSIS

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted to be true if an answer is not filed within 14 days from service of the complaint. Section 102.56 of the Board's Rules and Regulations provides that the

allegations in a compliance specification shall be deemed admitted to be true if an answer is not filed within 21 days from service of the compliance specification.

The Board has consistently granted motions for default judgment where there is an absence of good cause shown by a respondent for its failure to file a timely answer. *See, e.g., Pittsburgh Athletic Association*, 363 NLRB No. 76 (January 6, 2016); *Apollo Detective, Inc.*, 358 NLRB No. 1 (January 31, 2012); *Rosedale Fabricators, LLC*, 340 NLRB 508 (2003).

Counsel for the General Counsel recognizes that Respondents are currently proceeding without legal representation in these matters. In assessing default judgment motions, the Board has given some leniency towards respondents who proceed without the benefit of counsel. *Kenco Electric & Signs*, 325 NLRB 1118 (1998). Board law, however, recognizes that merely being unrepresented by counsel does not establish a good cause explanation for failing to file a timely answer. *Id.*

Here, there is nothing to support an argument that Respondents warrant special consideration as they have not provided any good cause, any explanation for failing to file an answer, nor any response to the undersigned's communication. Respondents were served with the Complaint and Compliance Specification, which plainly states the ramifications for failing to file an answer. On January 29, 2016, Counsel for the General Counsel provided Respondents with additional time to file an answer and urged Respondents to contact Counsel for the General Counsel if they had questions. Respondents failed to contact Counsel for the General Counsel and failed to file an answer.

Accordingly, as Respondents have failed to file an answer to the Complaint and Compliance Specification despite being given additional time, the Board should grant this

Motion for Default Judgment, find that the allegations in the Complaint and Compliance Specification are true and issue an appropriate Decision and Order.

Dated at Cleveland, Ohio this 17th of February 2016.

Respectfully submitted,

/s/Melanie R. Bordelois

Melanie R. Bordelois

Counsel for the General Counsel

National Labor Relations Board, Region 8

CERTIFICATE OF SERVICE

The foregoing Motion to the National Labor Relations Board for Default Judgment was filed via the Board's e-file system and copies were served by regular U.S. mail this 17th of February 2016 on the following:

D. Craig Goodman
Goodman Logistics LLC; Goodman
Tank Lines, Inc.; Goodman Holding Company, Ltd;
Stowe Leasing, Inc.
P.O. Box 3156
Stowe, PA 19464

Jeffrey Szucs
5171 Shady Moss Lane
North Ridgeville, OH 44039-2347

Administrative Law Judges
1015 Half Street SE
Washington, DC 20570-0001

/s/Melanie R. Bordelois
Melanie R. Bordelois
Counsel for the General Counsel
National Labor Relations Board, Region 8

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GOODMAN LOGISTICS, LLC; GOODMAN TANK
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CASE 08-CA-159343

JEFFREY SZUCS, An Individual

**COMPLAINT, ORDER CONSOLIDATING COMPLAINT AND COMPLIANCE
SPECIFICATION, COMPLIANCE SPECIFICATION AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Jeffrey Szucs, an Individual (Szucs or Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Goodman Logistics, LLC (Respondent Goodman Logistics), Goodman Tank Lines, Inc. (Respondent Goodman Tank Lines), Goodman Holding Company, Ltd (Respondent Goodman Holding Company), and Stowe Leasing, Inc. (Respondent Stowe and collectively, Respondents) have violated the Act.

Pursuant to Section 102.54(c) of the Rules and Regulations of the National Labor Relations Board (the Board), and to avoid unnecessary costs or delay, IT IS ORDERED THAT the Complaint is consolidated with a Compliance Specification in this matter.

Exhibit A

COMPLAINT

1. (A) The charge in this proceeding was filed by the Charging Party on September 3, 2015, and a copy was served by mail on Respondents on September 3, 2015.

(B) The first amended charge in this proceeding was filed by the Charging Party on November 24, 2015, and a copy was served by mail on Respondents on November 24, 2015.

2. At all material times, Respondent Goodman Logistics, a Pennsylvania limited liability company with a place of business located in Stowe, Pennsylvania, has been engaged in the business of providing payroll services.

3. At all material times, Respondent Goodman Tank Lines, a Pennsylvania corporation with a place of business located in Stowe, Pennsylvania, has been engaged in the business of transporting petroleum products.

4. At all material times, Respondent Goodman Holding Company, Ltd., a Pennsylvania corporation with a place of business located in Stowe, Pennsylvania, has been the parent corporation of Respondent Goodman Tank Lines and Respondent Goodman Logistics.

5. At all material times, Respondent Stowe, a Pennsylvania corporation with a place of business located in Stowe, Pennsylvania, has been engaged in the business of leasing property.

6. (A) At all material times, Respondents have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with a common business purpose of transporting

petroleum products; and have held themselves out to the public as a single-integrated business enterprise.

(B) Based on their operations described above in paragraph 6, Respondents constitute a single-integrated business enterprise and are a single employer within the meaning of the Act.

(C) In conducting their business operations described above in paragraphs 2, 3, 4 and 5, annually, Respondents collectively derived gross revenues in excess of \$50,000 for the transportation of freight from the States of Pennsylvania, New York and New Jersey directly to points outside those states.

7. (A) At all material times, Respondent Goodman Logistics has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

(B) At all material times, Respondent Goodman Tank Lines has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

(C) At all material times, Respondent Goodman Holding Company has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

(D) At all material times, Respondent Stowe Leasing has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

8. (A) Since about May 29, 2015, Respondent Goodman Tank Lines has been a debtor-in-possession with full authority to continue its operations and to exercise all powers necessary to administer its business.

(B) Since about May 29, 2015, Respondent Stowe has been a debtor-in-possession with full authority to continue its operation and to exercise all powers necessary to administer its business.

9. At all material times, D. Craig Goodman held the position of Respondents' President, and has been a supervisor of Respondents within the meaning of Section 2(11) of the Act, and an agent of Respondents within the meaning of Section 2(13) of the Act.

10. At all material times, Dawn McCombs held the position of Employment Manager, Human Relations for Respondent Goodman Logistics, and has been a supervisor of Respondent Goodman Logistics within the meaning of Section 2(11) of the Act, and an agent of Respondent Goodman Logistics within the meaning of Section 2(13) of the Act.

11. At all material times since about May 8, 2013, Respondents have maintained a work rule which states in relevant part:

While employee opinions are important and need to be addressed, Negative and Derogatory comments must not be shared with each other or with customers of the Company.

12. (A) About February 4, 2015, the Charging Party engaged in concerted activities with other employees for the purposes of mutual aid and protection by posting a demand for good wages on the Driver Board at Respondents' Ohio terminal.

(B) About mid to late April 2015 and in early May 2015, the exact dates being unknown, the Charging Party engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing and posting on social media about the Employer's cancellation of health insurance and the Employer's failure to forward wage garnishments to the appropriate agencies.

(C) About May 4, 2015, Respondents terminated the Charging Party.

(D) Respondents engaged in the conduct described above in paragraph 12(C) because the Charging Party engaged in the conduct described above in paragraphs 12(A) and 12(B), and to discourage employees from engaging in these or other concerted activities.

(E) Respondents engaged in the conduct described above in paragraph 12(C) because the Charging Party violated the rule described above in paragraph 11 and to discourage employees from engaging in these or other concerted activities.

13. By the conduct described above in paragraphs 11 and 12, Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

14. The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 12 and its subparagraphs, the General Counsel seeks an Order requiring Respondents to preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner.

As part of the remedy for the unfair labor practices alleged above in paragraph 12, the General Counsel seeks and Order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The General Counsel further seeks, as part of the remedy for the allegations in paragraph 12, that Respondents be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

As a part of the remedy for the unfair labor practices alleged above in paragraph 12, the General Counsel further seeks an Order that Respondent reimburse the Charging Party for all search-for-work and work-related expenses regardless of whether the Charging Party received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period.

In order to fully remedy the unfair labor practices set forth above, the General Counsel also seeks an Order requiring that the Charging Party be made whole, including reasonable consequential damages incurred as a result of Respondent's unlawful conduct.

The General Counsel further seeks, as part of the remedy for Respondents' unfair labor practices alleged above in paragraphs 11 and 12, an Order requiring Respondents to mail notices to all current and former non-supervisory employees who were in the employ of Respondents at any time after March 2, 2015.

The General Counsel further seeks all other relief as may be appropriate to remedy the unfair labor practices alleged.

COMPLIANCE SPECIFICATION

In order to liquidate the amount owed by Respondents and to avoid unnecessary cost or delays, this Compliance Specification is issued with the Complaint and alleges as follows:

15. As a result of the conduct described above in paragraph 12 of the Complaint, Charging Party is entitled to backpay in the manner and amount as follows.

16. Respondents employed Charging Party as a petroleum tanker truck driver with Respondent Goodman Tank Lines.

17. The backpay period for Charging Party begins on May 4, 2015, the date Respondents terminated him, and ends on September 15, 2015, that date when Respondents and debtors-in-possession Goodman Tank Lines and Stowe sold substantially all of their assets to a buyer in the bankruptcy proceedings.

18. Gross backpay is the wages Charging Party would have earned during the backpay period and is calculated at his average hourly rate of pay times the hours he would have worked but for Respondents' conduct described above in paragraph 12 of the Complaint.

19. Interim earnings are wages that could have been earned by Charging Party during the backpay period. Charging Party had no deductible interim earnings.

20. Net backpay is the difference between gross backpay and interim earnings.

21. (A) The net backpay is calculated as Charging Party's average hourly rate while employed by Respondents, \$21.00, times 48 hours/per week for the duration of the backpay period.

(B) The net backpay owed to Charging Party as a result of Respondents' conduct described above in paragraph 12 of the Complaint is \$20,081.00 as reflected in Appendix A.

(C) Charging Party's \$20,081.00 net backpay as calculated in Appendix A has two parts: \$4,037.00 is for the period from May 4 to May 28, 2015, which is the period up to and including one day prior to the date on which Respondents Goodman Tank Lines and Stowe filed their bankruptcy petitions; and \$16,044.00 is for the post-petition period from May 29 to September 15, 2015.

ANSWER REQUIREMENT

Respondents are notified that, pursuant to Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, they must file an answer to the consolidated complaint and compliance specification. The answer must be **received by this office on or before January 19, 2016, or postmarked on or before January 16, 2016.** Respondents should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on

each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification (paragraphs 15 to 21) that are within the knowledge of Respondents, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondents' knowledge, and set forth in detail Respondents' position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint and compliance specification are true. If the answer fails to deny allegations of the compliance specification (paragraphs 15 to 21) in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 15th day of March 2016, at 10:00 a.m. in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint and compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The

procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 29th day of December 2015.

/s/ Allen Binstock

ALLEN BINSTOCK
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 08-CA-159343

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

D Craig Goodman
Goodman Logistics LLC Goodman Tank
Lines Inc. Goodman Holding Company,
Ltd Stowe Leasing Inc. (single employer)
P.O. Box 3156
Stowe, PA 19464

Kevin J. Breen, Esq.
3500 W Market St Ste 4
Fairlawn, OH 44333-2663

Jeffrey Szucs
5171 Shady Moss Ln
North Ridgeville, OH 44039-2347
Mobile Phone: (216)598-5714

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board

NLRB Backpay Calculation

Case Name: Goodman Logistics, LLC et al.

Case Number: 8-CA-159343

Claimant:

Backpay period:

5/4/15 - 5/28/15

Interest
calculated to:

5/28/2015

Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2015	2	4/4				-					
2015	2	4/11				-					
2015	2	4/18				-					
2015	2	4/25				-					
2015	2	5/2				-					
2015	2	5/9	48		21.00	1,008					
2015	2	5/16	48		21.00	1,008					
2015	2	5/23	48		21.00	1,008					
2015	2	5/30	48		21.00	1,008					
2015	2	6/6				-					
2015	2	6/13				-					
2015	2	6/20				-					
2015	2	6/27				-					
2015	2	Total				4,032		4,032	-	-	4,032

Totals	4,032	-	-	4,032
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Daily Compound Interest 5

Total Backpay, Expenses and Interest 4,037

Notes

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Appendix A

NLRB Backpay Calculation

Case Name: Goodman Logistics, LLC et al.

Case Number: 8-CA-159343

Backpay period:
5/29/15 - 9/15/15

Interest
calculated to: **11/25/2015**

Claimant:

Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2015	2	4/4				-					
2015	2	4/11				-					
2015	2	4/18				-					
2015	2	4/25				-					
2015	2	5/2				-					
2015	2	5/9				-					
2015	2	5/16				-					
2015	2	5/23				-					
2015	2	5/30				-					
2015	2	6/6	48		21.00	1,008					
2015	2	6/13	48		21.00	1,008					
2015	2	6/20	48		21.00	1,008					
2015	2	6/27	48		21.00	1,008					
2015	2	Total				4,032		4,032	-	-	4,032
2015	3	7/4	48		21.00	1,008					
2015	3	7/11	48		21.00	1,008					
2015	3	7/18	48		21.00	1,008					
2015	3	7/25	48		21.00	1,008					
2015	3	8/1	48		21.00	1,008					
2015	3	8/8	48		21.00	1,008					
2015	3	8/15	48		21.00	1,008					
2015	3	8/22	48		21.00	1,008					
2015	3	8/29	48		21.00	1,008					
2015	3	9/5	48		21.00	1,008					
2015	3	9/12	48		21.00	1,008					
2015	3	9/19	36		21.00	756					
2015	3	9/26				-					
2015	3	Total				11,844		11,844	-	-	11,844

NLRB Backpay Calculation

Case Name: Goodman Logistics, LLC et al.

Case Number: 8-CA-159343

Claimant:

Backpay period: 5/29/15 - 9/15/15	Interest calculated to:	11/25/2015
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Year	Qtr	Week End	Reg Hours	OT Hours	Hourly Rate	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
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Totals	15,876	-	-	15,876
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Daily Compound Interest	168
Total Backpay, Expenses and Interest	16,044

Notes

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- 11/
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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8

GOODMAN LOGISTICS, LLC; GOODMAN TANK
LINES, INC.; GOODMAN HOLDING COMPANY,
LTD.; AND STOWE LEASING, INC., a single employer

And

CASE 08-CA-159343

JEFFREY SZUCS, An Individual

**AFFIDAVIT OF SERVICE OF: Complaint, Order Consolidating Complaint and
Compliance Specification, Compliance Specification and Notice of Hearing (with forms
NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **December 29, 2015**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

D Craig Goodman
Goodman Logistics LLC; Goodman Tank
Lines Inc.; Goodman Holding Company,
Ltd.; and Stowe Leasing, Inc., a single
employer
P.O. Box 3156
Stowe, PA 19464

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Jeffrey Szucs
5171 Shady Moss Ln
North Ridgeville, OH 44039-2347

CERTIFIED MAIL

Kevin J. Breen, Esq.
3500 W Market St Ste 4
Fairlawn, OH 44333-2663

REGULAR MAIL

December 29, 2015

Sharon Zilinskas
Designated Agent of NLRB

Date

Name

/s/ Sharon Zilinskas

Signature

Exhibit B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY													
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 1-5-16</p>													
<p>1. Article Addressed to: D Craig Goodman Goodman Logistics LLC Goodman etc. P.O. Box 3156 Stowe, PA 19464</p> <p>12/29/15; Ord Cons./Compl Spec; 08-CA-159343; sz</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>													
 9590 9401 0100 5168 4991 21	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®													
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™													
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery													
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise													
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™													
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery													
<p>2. Article Number (Transfer from service label) 7015 0640 0002 9188 4177</p>	<p>Restricted Delivery (over \$500)</p>													

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit C

UNITED STATES POSTAL SERVICE

PA 151
05 JAN 16



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print or type address and ZIP+4® in this box •

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 8
1240 East 9th Street - Room 1695
Cleveland, OH 44199-2086
An Equal Opportunity Employer

OFFICIAL BUSINESS
Penalty for Private Use, \$300

CLEVELAND, OHIO

JAN 13 AM 9:41

RECEIVED
MAIL ROOM

USPS TRACKING#



9590 9401 0100 5168 4991 21

Bordelois, Melanie R.

From: Bordelois, Melanie R.
Sent: Thursday, January 28, 2016 11:58 AM
To: 'Kevin Breen'
Subject: Goodman Logistics, 8-CA-159343
Attachments: LTR.08-CA-159343.To ERs 1-28-16 re answer to complaint.docx

Kevin:

Please see the attached letter regarding your answer to the complaint.

Regards,

Melanie

Melanie R. Bordelois
Field Attorney
National Labor Relations Board – Region 8
1240 East Ninth Street, Room 1695
Cleveland, OH 44199-2086
(216) 522-3740
(216) 522-2418 fax

Exhibit D



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

Agent's Direct Dial: (216)522-3740

January 28, 2016

VIA ELECTRONIC MAIL TO KEVIN J. BREEN, ESQ. AT: kevin.j.breen@gmail.com

Re: Goodman Logistics, LLC
08-CA-159343

Dear Mr. Breen:

On December 29, 2015, a Complaint, Order Consolidating Compliance Specification, Compliance Specification and Notice of Hearing (Complaint) issued in the above-captioned matter. The answer to the Complaint was due in this office on or before January 19, 2015. To date, our records indicate an answer has not been filed.

If an answer is not received in this office by the close of business on **February 5, 2016**, I may recommend that a motion for default judgment be filed. Guidelines for the filing of the answer are set forth in Sections 102.20 and 102.21 of the Board's Rules and Regulations

Please feel free to contact me with any questions.

Very truly yours,

/s/Melanie R. Bordelois
MELANIE R. BORDELOIS
Field Attorney

Bordelois, Melanie R.

From: Kevin Breen <kevin.j.breen@gmail.com>
Sent: Thursday, January 28, 2016 2:31 PM
To: Bordelois, Melanie R.
Subject: Re: Goodman Logistics, 8-CA-159343

NxGen: Uploaded

Ms. Bordelois:

I have not been engaged to represent Goodman Logistics, LLC or any other parties in this matter. Thank you.

On Thu, Jan 28, 2016 at 11:56 AM, Bordelois, Melanie R. <Melanie.Bordelois@nlrb.gov> wrote:

Kevin:

Please see the attached letter regarding your answer to the complaint.

Regards,

Melanie

Melanie R. Bordelois

Field Attorney

National Labor Relations Board – Region 8

1240 East Ninth Street, Room 1695

Cleveland, OH 44199-2086

[\(216\) 522-3740](tel:(216)522-3740)

[\(216\) 522-2418](tel:(216)522-2418) fax

Exhibit E

--

Kevin J. Breen, Esq.
Kevin J. Breen Co., LLC
3500 W. Market Street, Suite 4
Fairlawn, OH 44333
Phone: (330) 666-3600
Facsimile: (330)-670-6556
Email: kevin.j.breen@gmail.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlr.gov
Telephone: (216)522-3715
Fax: (216)522-2418

Agent's Direct Dial: (216)522-3740

January 29, 2016

VIA FACSIMILE TO D. CRAIG GOODMAN AT: (610)327-8686

Re: Goodman Logistics LLC; Goodman Tank
Lines, Inc.; Goodman Holding Company,
Ltd; Stowe Leasing, Inc.
08-CA-159343

Dear Mr. Goodman:

On January 28, 2016, attorney Kevin Breen advised me that he is no longer representing the above-named employers in this matter. Accordingly, I am contacting you directly.

On December 29, 2015, a Complaint, Order Consolidating Compliance Specification, Compliance Specification and Notice of Hearing (Complaint) issued in the above-captioned matter. The answer to the Complaint was due in this office on or before January 19, 2015. To date, our records indicate an answer has not been filed.

If an answer is not received in this office by the close of business on **February 5, 2016**, I may recommend that a motion for default judgment be filed. Guidelines for the filing of the answer are set forth in Sections 102.20 and 102.21 of the Board's Rules and Regulations.

Please feel free to contact me with any questions.

Very truly yours,

/s/Melanie R. Bordelois
MELANIE R. BORDELOIS
Field Attorney

Exhibit F

Bordelois, Melanie R.

From: noreply@nlrb.gov
Sent: Friday, January 29, 2016 4:19 PM
To: Bordelois, Melanie R.
Cc: SM-Nass
Subject: Re: [NASS] Scan-to-FAX Delivery - [OK][+16103278686]
Attachments: MF56ABD70270712587231E.tif

Retarus job id: MF56ABD70270712587231E

Number of faxes : 1
 thereof successfully sent: 1
 thereof failed with error: 0
Number of pages : 1
Resolution : Low

Fax number : +16103278686
Sent : 2016-01-29-16.18.51
Remote CSID:
Duration : 41 sec.
Status : OK
Reason :

Exhibit G