



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
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March 1, 2016

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Re: HAGGEN, INC.; HAGGEN HOLDINGS,
LLC; HAGGEN OPCO SOUTH, LLC AND
HAGGEN HOLDINGS, LLC, DEBTOR IN
POSSESSION AS SINGLE AND/OR JOINT
EMPLOYERS
Case 21-CA-158737

Gentlemen:

We have carefully investigated and considered your charge that HAGGEN, INC.; HAGGEN HOLDINGS, LLC; HAGGEN OPCO SOUTH, LLC AND HAGGEN HOLDINGS, LLC, DEBTOR IN POSSESSION AS SINGLE AND/OR JOINT EMPLOYERS alleging violations of Section 8 the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your charge for the following reasons:

The charge alleges the Respondents: (1) misrepresented to the Charging Party and various local Unions that it intended to successfully operate the stores it purchased in 2015, (2) failed to disclose a no-hire clause in the purchase agreement, and (3) failed to provide requested information. The investigation failed to establish that the Respondent intentionally mismanaged the stores or engaged in duplicity regarding their operation. Regarding the no-hire clause, while the Respondents' conduct arguably violated Section 8(a)(5) and (1), it would not effectuate the purposes and policies of the Act to issue complaint because there is no evidence that the Respondent ever enforced the no-hire agreement and promptly rescinded it at the Union's request. Regarding the information request, the investigation failed to establish the Unions followed up after the Respondents gave their response, or that such information was relevant after the no-hire agreement was rescinded.

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. 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, 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, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **March 15, 2016**. 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 March 14, 2016. **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 March 15, 2016**. The request may be filed electronically through the **E-File Documents** link on our website 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 March 15, 2016, **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 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/ OLIVIA GARCIA
Regional Director

Enclosure

cc: (See next page)

cc: HAGGEN, INC.; HAGGEN HOLDINGS, LLC; HAGGEN OPCO SOUTH,
LLC AND HAGGEN HOLDINGS, LLC, DEBTOR IN POSSESSION AS
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