



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

August 24, 2016

[REDACTED]

Re: Cardinal Financial Company, Limited
Partnership
Case 28-CA-175402

Dear [REDACTED]

Your appeal from the Regional Director's decision to partially dismiss this case has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of July 29, 2016.

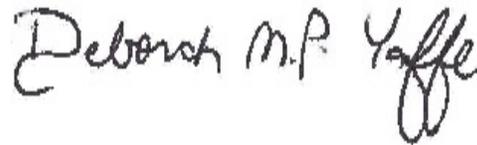
Although the evidence established that you engaged in protected concerted activities, and that the Employer was aware of these activities, the Employer has met its burden under Section 8(a)(1) of the Act in demonstrating that it would have taken the same adverse actions absent your protected concerted activities. In this regard, an employer does not violate the Act by discharging an employee who has engaged in conduct that provides a lawful, independent reason for discharge, even if the employer knows of the employee's union or concerted activities. *See Berland Paint City, Inc.*, 199 NLRB 927 (1972); *See also Shen Lincoln-Mercury Mitsubishi, Inc.*, 321 NLRB 586, 600-01, (1996); *Golden Nugget, Inc.*, 215 NLRB 50 (1974).

Here, the probative evidence established that the Employer disciplined and discharged you in accordance with its progressive disciplinary policy for [REDACTED]. Furthermore, the investigation failed to disclose any evidence of disparate treatment regarding your discharge. Accordingly, further proceedings are not warranted.

Our decision does not affect the outstanding allegations which the Regional Office will continue to process.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By: _____

Deborah M.P. Yaffe, Director
Office of Appeals

cc: CORNELE A. OVERSTREET
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