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August 25, 2016

Gary Shinnors, Executive Secretary  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570-0001

[By Certified Mail No.  
70113500000121919428]

In re Wells Enterprises, Inc., Respondent;  
Neal Thomas Kruckenberg, an Individual,  
Charging Party; and United Dairy Workers  
of LeMars, Party in Interest  
Case No. 18-CA-150544  
and  
United Dairy Workers of LeMars,  
Respondent; Thomas Neal Kruckenberg, an  
Individual, Charging Party; and Wells  
Enterprises, Inc., Party in Interest  
Case No. 18-CB-153774

Dear Sir:

Pursuant to the authority granted by the NLRB in Reliant Energy, 339 NLRB 66 (2003), I am submitting the most pertinent and significant U S Supreme Court authority that has come to my attention after I had filed my briefs. Please review NLRB v. Southern Bell Telephone & Telegraph, Co., 319 U S 50, 60, 63 S Ct 905, 910, 87 L. Ed. 1250, 1258 (1943) where the U S Supreme Court affirmed the Board's decision of an 8(a)(2) violation produced by the Employer paying all the Union's expenses over a long period of time because the Union had no dues, fees, or assessments even after the Employer stopped fully supporting the Union and further the Board forbade the Union's appearance on an election ballot. The NLRB's factual determinations or inferences could not be overturned if there was substantial evidence on the record even if the appellate court would not

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have decided that way. See 29 U.S.C. §160(e) The 8(a)(2) violation was upheld based upon the employer's total support of the Union for many years. The Union was thus disestablished and the CBA was nullified and voided. While the Board is not bound by any Court of Appeals decision it is bound by the U.S. Supreme Court's decisions.

Please interlineate the above cited case at page line on line 2 on page 14 at line 18 and at page 16 line 7 in support of the Ultrad decision as well as the NLRB's original Post decision.

I remain

Very truly yours,



M. H. WEINBERG  
Attorney for the Charging  
Party, Neal Thomas Kruckenberg

MHW:sj

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cc Jeremy DeLaughter, HR Director  
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Allen DeVos, Secretary/Treasurer  
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