

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES  
WASHINGTON BRANCH OFFICE

OZBURN-HESSEY LOGISTICS, LLC

and

Cases 26-CA-023497  
26-CA-023539  
26-CA-023576  
26-CA-023675  
26-CA-023734

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO, CLC

MOTION TO CORRECT THE TRIAL RECORD EXHIBITS

COMES NOW Counsel for the General Counsel and herein respectfully requests that the trial record exhibits be corrected as follows:

1. GC Exhibit 1(c) – Compliance Specification for Case 26-CA-023497 – GC Exhibit 1(c) contains four attachments labeled as Exhibits 1 through 4. The Exhibit 3 attached to GC Exhibit 1(c) concerns the backpay calculations for discriminatee Renal Dotson. The trial record exhibits provided do not contain pages 2 and 4 of the calculations. A copy of the complete 5 page Exhibit 3 attachment to GC Exhibit 1(c) is attached to this motion.
2. GC Exhibit 1(c) – Compliance Specification for Case 26-CA-023497 – GC Exhibit 1(c) contains four attachments labeled as Exhibits 1 through 4. The Exhibit 4 attached to GC Exhibit 1(c) concerns the backpay calculations for discriminatee Jerry Smith. At the hearing, the General Counsel amended the Compliance Specification for 26-CA-023497 through Exhibit 4 – Revised which presented the corrected backpay calculations for Smith. The Exhibit 4 – Revised, which is part of the exhibits, should be attached to GC Exhibit 1(c) but was mistakenly attached to GC Exhibit 4.
3. GC Exhibit 1(h) – Compliance Specification for Case 26-CA-023675 – GC Exhibit 1(h) contains four attachments labeled as Exhibits 1 through 4. The Exhibit 2 attached to GC Exhibit 1(h) concerns the backpay calculations for discriminatee Glorina Kurtycz. At the hearing, the General Counsel amended the Compliance Specification for 26-CA-023675 through Exhibit 2 – Revised which

presented the corrected backpay calculations for Kurtycz. The Exhibit 2 – Revised, which is part of the exhibits, should be attached to GC Exhibit 1(h) but was mistakenly attached to GC Exhibit 2.

The General Counsel sought Respondent’s position concerning this motion and, on November 8, 2016, by email, counsel for Respondent informed the General Counsel that it had no opposition to this motion.

WHEREFORE, for the foregoing reasons, Counsel for the General Counsel respectfully requests that the trial record exhibits be corrected as set forth in this motion.

Dated at Memphis, Tennessee, on November 9, 2016.

Respectfully submitted,

/s/ William T. Hearne

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William T. Hearne  
Counsel for the General Counsel  
National Labor Relations Board  
Subregion 26  
80 Monroe Avenue, Suite 350  
Memphis, TN 38103

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2016, a copy of the Motion to Correct the Trial Record Exhibits was electronically filed via NLRB E-Filing system with the Division of Judges.

Honorable Mark Carissimi  
Administrative Law Judge  
Division of Judges  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570

I further certify that on November 9, 2016, a copy of the Motion to Correct the Trial Record Exhibits was served on the following:

Ben H. Bodzy, Esq.  
Baker, Donelson, Bearman, Caldwell &  
Berkowitz, PC  
211 Commerce St Ste 800  
Nashville, TN 37201-1817

*Via Email:* [bbodzy@bakerdonelson.com](mailto:bbodzy@bakerdonelson.com)

/s/ William T. Hearne  
William T. Hearne  
Counsel for the General Counsel

NLRB Backpay Calculation

Case Name: Ozburn-Hessey Logistics

Case Number: 26-CA-023497

Backpay period:

8-28-2009 - 4-15-2011

Claimant: Renal Dotson

Interest calculated to: 4/28/2016

Year	Qtr	Week End	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2009	3	7/4						
2009	3	7/11						
2009	3	7/18						
2009	3	7/25						
2009	3	8/1						
2009	3	8/8						
2009	3	8/15						
2009	3	8/22						
2009	3	8/29						
2009	3	9/5	442					
2009	3	9/12	442					
2009	3	9/19	442					
2009	3	9/26	442					
2009	3	Total	1,768		1,768	-	-	1,768
2009	4	10/3	442					
2009	4	10/10	442					
2009	4	10/17	442					
2009	4	10/24	442					
2009	4	10/31	442					
2009	4	11/7	442					
2009	4	11/14	442					
2009	4	11/21	442					
2009	4	11/28	442					
2009	4	12/5	442					
2009	4	12/12	442					
2009	4	12/19	442					
2009	4	12/26	442					
2009	4	Total	5,745	2,835	2,910	-	-	2,910

NLRB Backpay Calculation

Case Name: Ozburn-Hessey Logistics

Case Number: 26-CA-023497

Backpay period:

8-28-2009 - 4-15-2011

Claimant: Renal Dotson

Interest calculated to: 4/28/2016

Year	Qtr	Week End	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2010	1	1/2	442					
2010	1	1/9	442					
2010	1	1/16	442					
2010	1	1/23	442					
2010	1	1/30	442					
2010	1	2/6	442					
2010	1	2/13	442					
2010	1	2/20	442					
2010	1	2/27	442					
2010	1	3/6	442					
2010	1	3/13	442					
2010	1	3/20	442					
2010	1	3/27	442					
2010	1	Total	5,745		5,745	-	-	5,745
2010	2	4/3	442					
2010	2	4/10	442					
2010	2	4/17	442					
2010	2	4/24	442					
2010	2	5/1	442					
2010	2	5/8	442					
2010	2	5/15	442					
2010	2	5/22	442					
2010	2	5/29	442					
2010	2	6/5	442					
2010	2	6/12	442					
2010	2	6/19	442					
2010	2	6/26	442					

NLRB Backpay Calculation

Case Name: Ozburn-Hessey Logistics

Case Number: 26-CA-023497

Backpay period:

8-28-2009 - 4-15-2011

Claimant: Renal Dotson

Interest calculated to: 4/28/2016

Year	Qtr	Week End	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2010	2	Total	5,745	111	5,635	-	-	5,635
2010	3	7/3	442					
2010	3	7/10	442					
2010	3	7/17	442					
2010	3	7/24	442					
2010	3	7/31	442					
2010	3	8/7	442					
2010	3	8/14	442					
2010	3	8/21	442					
2010	3	8/28	442					
2010	3	9/4	442					
2010	3	9/11	442					
2010	3	9/18	442					
2010	3	9/25	442					
2010	3	Total	5,745	225	5,520	-	-	5,520
2010	4	10/2	442					
2010	4	10/9	442					
2010	4	10/16	442					
2010	4	10/23	442					
2010	4	10/30	442					
2010	4	11/6	442					
2010	4	11/13	442					
2010	4	11/20	442					
2010	4	11/27	442					
2010	4	12/4	442					
2010	4	12/11	442					
2010	4	12/18	442					

NLRB Backpay Calculation

Case Name: Ozburn-Hessey Logistics

Case Number: 26-CA-023497

Backpay period:

8-28-2009 - 4-15-2011

Claimant: Renal Dotson

Interest calculated to: 4/28/2016

Year	Qtr	Week End	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2010	4	12/25	442					
2010	4	Total	5,745	425	5,321	-	-	5,321
2011	1	1/1	442					
2011	1	1/8	442					
2011	1	1/15	442					
2011	1	1/22	442					
2011	1	1/29	442					
2011	1	2/5	442					
2011	1	2/12	442					
2011	1	2/19	442					
2011	1	2/26	442					
2011	1	3/5	442					
2011	1	3/12	442					
2011	1	3/19	442					
2011	1	3/26	442					
2011	1	Total	5,745	154	5,591	-	-	5,591
2011	2	4/2	442					
2011	2	4/9	442					
2011	2	4/16	442					
2011	2	4/23						
2011	2	4/30						
2011	2	5/7						
2011	2	5/14						
2011	2	5/21						
2011	2	5/28						
2011	2	6/4						
2011	2	6/11						

NLRB Backpay Calculation

Case Name: Ozburn-Hessey Logistics

Case Number: 26-CA-023497

Backpay period:

8-28-2009 - 4-15-2011

Claimant: Renal Dotson

Interest calculated to: 4/28/2016

Year	Qtr	Week End	Gross Backpay	Quarter Interim Earnings	Net Backpay	Interim Expenses	Medical Expenses	Net Backpay & Expenses
2011	2	6/18						
2011	2	6/25						
2011	2	Total	1,326		1,326	-	-	1,326

Totals					33,816	-	-	33,816
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Daily Compound Interest	6,883
<b>Total Backpay, Expenses and Interest</b>	<b>40,699</b>

Notes:

- 1/
- 2/
- 3/
- 4/
- 5/
- 6/
- 7/
- 8/
- 9/
- 10/
- 11/
- 12/