

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

ETS OILFIELD SERVICES, L.P.
Respondent

and

Case 16-CA-172847

LLOYD W. OSTER, an Individual
Charging Party

ORDER DENYING RESPONDENT'S MOTION TO POSTPONE HEARING

1. On August 23, 2016, Counsel for the General Counsel (General Counsel) issued a Complaint and Notice of Hearing in the above-captioned matter. The Complaint alleges that Respondent ETS Oilfield Services, L.P. (Respondent) violated Section 8(a)(1) of the National Labor Relations Act (the Act) by maintaining an arbitration agreement. It also set a hearing date of December 5, 2016, which will occur in Corpus Christi, Texas. Respondent filed a timely answer.
2. Through conference calls and email correspondence, the parties agreed to orally argue the matter on December 5, 2016 with the administrative law judge to provide a bench decision on the same day.
3. On December 1, 2016, Respondent sent by fax to the Division of Judges a request for a postponement of the scheduled hearing because it learned Charging Party would not be in attendance at the proceeding. Respondent contends that his testimony is necessary for its due process rights. Based upon correspondence from the parties, Respondent does not wish to incur the costs associated with issuing a subpoena to Charging Party to attend a hearing in Corpus Christi, Texas as Charging Party resides in Missouri.
4. On December 2, 2016, Deputy Chief Administrative Law Judge Arthur Amchan delegated his authority to rule upon this Motion to the undersigned.
5. The Motion to Postpone is hereby DENIED. Respondent has not shown good cause for a postponement. While the parties are on the record, Respondent may request an adverse inference for Charging Party's failure to appear or make objections.

December 2, 2016
Washington, D.C.



Sharon Levinson Steckler
Administrative Law Judge

STATEMENT OF SERVICE

I hereby certify that I have this date served copies of Order Denying Respondent's Motion to Postpone the hearing in the above caption matters by email.

BY ELECTRONIC MAIL TO:

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Dated: December 2, 2016



Sharon Levinson Steckler
Administrative Law Judge