



United States Government

NATIONAL LABOR RELATIONS BOARD
1015 HALF STREET, SE
WASHINGTON DC 20570

January 6, 2017

Brent E. Childerhose
Francisco Guzman
Counsel for the General Counsel
National Labor Relations Board, Region 29
Two MetroTech Center, Fifth Floor
Brooklyn, NY 11201

Re: Motion to Accept the Counsel for the General Counsel's Reply Brief in Support of the Administrative Law Judge's Decision in *East End Bus Lines, Inc.*, 29-CA-161247, et al.

Dear Mr. Childerhose and Mr. Guzman:

This letter acknowledges receipt of the Motion to Accept the Counsel for the General Counsel's Reply Brief in Support of the Administrative Law Judge's Decision filed with this office on January 4, 2017.

As a preliminary matter, Counsel for the General Counsel labels its brief as a "reply" brief; however, because no answering brief was filed in response to the Respondent's December 19, 2016 exceptions and brief in support of exceptions, Counsel for the General Counsel's brief is not a reply, but in fact an answering brief under Section 102.46(d)(1) of the Board's Rules and Regulations. Pursuant to Section 102.46(d)(1) of the Rules and Regulations, an answering brief to a party's exceptions must be filed "[w]ithin 14 days... from the last date on which exceptions and any supporting brief may be filed..." The last date for the filing of exceptions and supporting briefs in this matter was December 19, 2016. Thus, it follows that answering briefs to the exceptions were due on January 3, 2017. Counsel for the General Counsel filed his answering brief to the exceptions on January 4, 2017.

Section 102.111(c) of the Board's Rules allows for late filings "within a reasonable time after the time prescribed . . . upon good cause shown based on excusable neglect." That Rule also requires that a party seeking such a late filing must submit an affidavit that includes the specific facts relied on to support the motion for excusable neglect sworn to by individuals with personal knowledge of the facts. See also *Unitec Elevator Services Company*, 337 NLRB 426 (2002).

Accordingly, if Counsel for the General Counsel desires that its late document be accepted under excusable neglect, it should file the required affidavit and serve the motion and

affidavit on the other parties. The affidavit should be filed with the Board in Washington, D.C. **no later than close of business on Wednesday, January 11, 2017.**

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties