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**Anheuser-Busch, LLC and Teamsters Local 1149 Petitioner.** Case 03–RC–185455

May 11, 2017

ORDER

BY CHAIRMAN MISCIMARRA AND MEMBERS PEARCE  
AND MCFERRAN

The National Labor Relations Board has carefully considered the Employer’s request for review of the Regional Director’s Decision and Direction of Election and Report on Objection and Certification of Representative. The request for review is denied as it raises no substantial issues warranting review.

In denying review, we agree with the Regional Director’s conclusion, set forth in the Decision and Direction of Election, that the Employer has not established that employee Stacy Olson is a confidential employee. In addition, we overrule the Employer’s objection that it was wrongly prevented from challenging Olson’s ballot at the election. The Employer’s election objection is based on its contention that Olsen should not have been permitted to vote because of her confidential status. This issue was fully litigated in a preelection hearing, and the Regional Director found that Olsen was specifically included in the unit. NLRB Casehandling Manual (Part

Two) Section 11338.7 states: “Persons specifically included by the Decision and Direction of Election should be given a ballot and permitted to vote *without challenge*, unless there have been changed circumstances.” (Emphasis added). The Employer did not demonstrate changed circumstances. Thus, the Board agent’s refusal to permit a challenge to Olsen’s ballot was entirely consistent with the Regional Director’s decision that she was not a confidential employee and accordingly, eligible to vote. Moreover, the Regional Director’s decision was consistent with Section 102.65(e)(3) of the Board’s Rules and Regulations.

Dated, Washington, D.C. May 11, 2017

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Philip A. Miscimarra, Chairman

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Mark Gaston Pearce, Member

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Lauren McFerran, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD