



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
1015 Half St., S.E.
Washington, D.C. 20570-0001**

May 18, 2017

Ms. Mary L. Johnson
General Counsel
National Mediation Board
1301 K Street, NW -- Suite 250 East
Washington, DC 20005-7011

Re: Prime Flight Aviation Services, Inc.
Case 02-RC-186447

Dear Ms. Johnson:

The above-captioned representation proceeding is currently pending before the National Labor Relations Board. A question has been presented whether the operations of the Employer arguably fall within the jurisdiction of the Railway Labor Act rather than the National Labor Relations Act.

The Board respectfully requests that you review the record, as well as the record in Case 02-RC-158251, on which the Regional Director relied in reaching her jurisdictional determination in this case, and provide the NLRB with your opinion as to whether the National Mediation Board has jurisdiction over the Employer. The issues are set forth in the attached Decision and Direction of Election and in the Employer's Request for Review submitted to the Office of Representation Appeals, and the attached transcripts and exhibits from the hearings held in the NLRB representation proceedings in this case and in Case 02-RC-158251. Should you require further information about the record in this representation proceeding, please contact Ms. Karen Fernbach, Regional Director, Region 2, at (212) 776-8612.

The Board also requests that, in rendering your opinion, you take note of the D.C. Circuit Court's opinion in *ABM Onsite Services – West, Inc. v. NLRB*, 849 F.3d 1137 (D.C. Cir. 2017). (Following the court's remand, the Board is also seeking your opinion on jurisdiction in that case.)

The Board would appreciate your opinion in a form appropriate for citation or quotation in any decision the NLRB may subsequently issue. It is respectfully requested that the enclosed formal documents be returned with your opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Leverone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Susan Leverone
Associate Solicitor

Enclosures

cc: Mr. Gary Shinnors
Ms. Karen Fernbach