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DEBORAH S. HUNT, Clerk UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Case Number: 17-1544
Case Name: Lee Craft v. NLRB, Originating Case No.: 26-CA-085613
Name: Lee Craft
Address: 7467 Nunn Cove
City: Memphis State: TN Zip Code: 38235

PRO SE PETITIONER'S BRIEF

Directions: Answer the following questions about the appeal to the best of your ability. Use additional sheets of paper, if necessary. You need not limit your brief solely to this form, but you should be certain that the document you file contains answers to the questions below. Please print or write legibly, or type your answers double-spaced. If you are asking for specific relief such as the appointment of counsel, the provision of transcript at government expense, or leave to proceed without prepayment of filing fees, please make that request at the conclusion of the brief. The Court prefers short and direct statements. Within 28 days you should return your completed brief to:

United States Court of Appeals For The Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202-3988

- 1. Did the Agency fail to consider important grounds for relief? [X] Yes [] No
If so, what grounds?

The Agency failed to determine that my discharge was due to my participation in protected activities, and they failed to grant me any remedies including reinstatement and back pay due to their failure to consider the facts of the case. (continued in pg 3)

- 2. Do you think the Agency incorrectly decided the facts? [X] Yes [] No
If so, what law do you want applied?

The correct law was applied (29 U.S.C. Sec. 151-169 - National Labor Relations Act), however, the Agency decided the case incorrectly. In support, I refer to the state that the judge did find that I was engaged in protected activities, and that the fact that I was engaged in protected activities was a "motivating factor" in my termination. (continued on pgs 3-4)

3. Do you think the Agency applied the wrong law?
If so, what law do you want applied?

Yes

No

I do not think the wrong law was applied, but that the analysis of the law was incorrect.

4. Do you fee that there are any other reasons why the
Agency's judgment was wrong?
If so, what are they?

Yes

No

I would dispute the Agency's decision to uphold the judge's dismissal of the allegation that the Respondent (Philips Electronics North America Corporation) violated the law because I would have been discharged even if I was not engaging in the protected activities (cont. on page 4)

5. What action do you want the Court to take in this case?

I would like the court to reverse the Board's decision and order reinstatement, back pay, and all applicable remedies.

6. What specific issues do you wish to raise on appeal?

The Board failed to reverse the judge's decision and order the appropriate remedies

I certify that a copy of this brief was sent to opposing counsel via U.S. Mail on the 29 day of June, 2017.

Signature (Notary not required)

Pro se Petitioner's Brief – Complete answers

These pages contain the complete answers to the questions in the Pro Se Petitioner's Brief.

1. Did the Agency fail to consider important grounds for relief? Yes If so, what grounds?

The Agency failed to determine that my discharge was due to my participation in protected activities, and they failed to grant me any remedies including reinstatement and back pay due to their failure to consider the facts of the case.

The Agency cannot, in good conscience, affirm the judge's decision. Their policy, per the Agency's own statement, is "not to overrule an administrative law judge's credibility resolutions **unless the clear preponderance of all the relevant evidence convinces us that they are incorrect**" (emphasis added). I submit that relief should be granted on the basis that: 1) All the evidence relevant to the case was not considered, and 2) the wrongful and illegal actions of the management personnel (i.e., Sherry McMurrian) leading up to my wrongful termination was supported by the company and caused significant damages for which I should be compensated.

2. Do you think the Agency incorrectly decided the facts? Yes , If do what law do you want applied

The correct law was applied (29 U.S.C. sec 151-169 – National Labor Relations Act), however the Agency decided the case incorrectly. In support, I refer to the statement that the judge did, indeed find that I was engaged in protected activities, and that the fact that I was engaged in the protected activities, and that my engagement in these activities was a "motivating factor" in my termination.

While my testimony was consistent, the testimony of the respondent's witnesses was not consistent regarding specific events (in some instances supporting me) and in others not at

all credible. Throughout their testimony, the Respondent's witnesses were consistently caught in lies, the evidence supports this, and the determination that these witnesses were credible is incorrect. Not only were their witnesses were not credible, their own paperwork *admits* the unlawful reason for my discharge.

3. Do you think the Agency applied the wrong law? Yes No If so, what law do you want applied?

I do not think the wrong law was applied, but that the analysis of the law was incorrect.

4. Do you fee[!] that there are any other reasons why the Agency's judgment was wrong? Yes If so, what are they?

I would dispute the Agency's decision to uphold the judge's dismissal of the allegation that Respondent (Philips Electronics North America Corporation) violated the law because I would have been discharged even if I was not engaging in the protected activities. None of the allegations made against me were supported by consistent or credible testimony, no witnesses were produced that would corroborate the claims of my accusers. All attacks on my character were based on the testimony of one witness who has a history of *actually being* violent and hostile in the workplace.

5. What action do you want the Court to take in this case?

Reverse the Agency's decision and order my reinstatement and back pay, and all applicable remedies.

6. What specific issues do you wish to raise on appeal?

The Agency failed to reverse the Judge's decision and order the appropriate remedies.

A COPY OF THE MOTION AND ATTACHED EVIDENCE WAS
SUBMITTED TO THE FOLLOWING PARTIES BY FEDERAL
EXPRESS ON June 29, 2017



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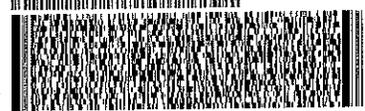
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