

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

SOUTHERN STAR, INC.

Respondent

and

Case No. 16-CA-168143

RICHARD L. WILLIS

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL’S RESPONSE IN OPPOSITION TO THE
PARTIES’ JOINT MOTION FOR DISMISSAL OF ACTION**

On August 18, 2017, Respondent and the Charging Party filed a Joint Motion requesting that the Board “dismiss this action and withdraw the Charge.” The Joint Motion failed to address whether the alleged unfair labor practice allegations have been remedied and it should therefore be rejected.

Once a case is before the Board, the Board alone is “vested with lawful discretion to determine” whether it “may be abandoned.” *Robinson Freight Lines*, 117 NLRB 1483, 1485 (1957) (footnote omitted), *enfd.* 251 F.2d 639 (6th Cir. 1958). To convince the Board that the dismissal and withdrawal is appropriate, the parties must establish that the public interest has been served. See *Flyte Tyme Worldwide*, 362 NLRB No. 46 (2015). To establish that the public interest has been served, the parties must show that the allegations of the Complaint have been remedied.

In the Complaint in this matter, the General Counsel alleged that Respondent’s mandatory Arbitration Policy violates Section 8(a)(1) of the Act. The remedy for such a violation would include, *inter alia*, companywide rescission of the Arbitration Policy and

notification to all employees of the rescission. See *Flyte Tyme Worldwide*, 362 NLRB No. 46 (2015). Here, the parties have not presented any evidence of remedial action.

Where the Complaint allegations have not been remedied, the public interest has not been served, and the Board should deny the parties' request that it abandon the case.

DATED at Fort Worth, Texas, this 25th day of August 2017.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that, on this 25th day of August 2017, a copy of General Counsel's Response In Opposition to the Joint Parties' Motion for Dismissal of Action to the National Labor Relations Board was electronically served upon each of the following:

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