

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

**EYM KING OF MISSOURI,
D/B/A/ BURGER KING**

Case 14-CA-188832

And

**WORKERS' ORGANIZING COMMITTEE,
KANSAS CITY**

**COUNSEL FOR THE GENERAL COUNSEL'S
EXCEPTIONS TO THE DECISION OF
THE ADMINISTRATIVE LAW JUDGE**

Counsel for the General Counsel, pursuant to Section 10(c) of the Act and Section 102.46 of the Board's Rules and Regulations, submits the following exceptions to the decision of Administrative Law Judge Christine E. Dibble (ALJD) in the above-captioned case. The General Counsel excepts to the following findings of fact and conclusions of law.

1. The ALJ failed to make appropriate credibility resolutions, simply concluding the witnesses were "equally credible on the issue of whether Toombs made the threatening statements." ALJD p. 5, lines 6-7.
2. The ALJ declined to make a credibility ruling on Respondent's Exhibit 1, upon which Toombs based his recollection of November 28, 2016. ALJD, p. 5 lines 3-4.

3. The ALJ's finding that "nothing in the record" indicates Brown's testimony is more credible than Toombs's testimony is erroneous and mischaracterizes the record. ALJD, p. 5 lines 8-9.
4. The ALJ improperly disregarded admissions made to Brown by acknowledged Employer supervisors/agents as hearsay. ALJD, p. 4 Footnote 9

For the foregoing reasons, as set forth more fully in the accompanying Brief in Support of Exceptions, the Counsel for the General Counsel requests that the Board reverse the ALJD and find that the Respondent violated the Act as alleged in the Complaint.

Respectfully submitted,

/s/ Rebecca Proctor

Rebecca Proctor
Counsel for the General Counsel

Date: October 26, 2017