



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

March 14, 2018

[REDACTED]  
BUSH GOTTLIEB A LAW CORP  
801 N BRAND BLVD STE 950  
GLENDALE, CA 91203-1260

Re: California Cartage Company, LLC and  
Orient Tally Company, Inc., A Single  
Employer, and Core Employee  
Management, Inc., A Joint Employer  
Case 21-CA-192352

Dear [REDACTED]

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

The appeal maintains that the Employer engaged in unlawful discriminatory conduct against [REDACTED] alleged employee discriminatees in retaliation for their union activities and/or union support. The evidence from the investigation establishes that the [REDACTED] alleged discriminatees were [REDACTED] for several consecutive days. Further, the investigation reveals un rebutted evidence that the Employer maintains a practice of not scheduling employees who are [REDACTED] until all available employees who are present for work are assigned work. Under the circumstances presented, and in absence of any evidence of animus or other unlawful discriminatory motive, it was determined that the Employer removed the [REDACTED] alleged discriminatees from the work schedule because they had been [REDACTED] from work, rather than for reasons prohibited by Section 8(a)(1) or (3) of the National Labor Relations Act, as alleged.

Additionally, the evidence demonstrates that one of the alleged discriminatee's received a disciplinary warning for breaching the Employer's established policy prohibiting [REDACTED]. The evidence establishes that prior to the commencement of the Union's organizing campaign the alleged discriminatee had on one occasion received a disciplinary warning for violating the Employer's policy prohibiting [REDACTED] use during work time. To this end, in absence of any evidence of disparate treatment or animus directed against the alleged discriminatee for [REDACTED] union activity or support, we conclude that the evidence fails to establish that the Employer violated the Act by disciplining the alleged discriminatee for breaching an established work rule.

Accordingly, further proceedings are unwarranted.

Sincerely,

Peter Barr Robb  
General Counsel



By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: WILLIAM B. COWEN  
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kf