

UNIVERSAL SECURITY, INC.

and

Cases 13-CA-178494
13-CA-182708

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 1

**COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO ISSUE AN ERRATUM TO
THE ADMINISTRATIVE LAW JUDGE'S DECISION**

On April 2, 2018, Administrative Law Judge Christine E. Dibble issued her Decision in the above captioned matter. (JD-23-18). Counsel for the General Counsel moves to correct the Decision as follows:

1. At page 17, footnote 25, in finding Sandaf Subijano lost the protection of the Act and thus was lawfully discharged, the Administrative Law Judge states:

Even assuming *Wright Line* is the appropriate standard for analyzing this case, Subijano's discharge would still be *unlawful* because she was not engaged in protected activity; and the Respondent had a legitimate nondiscriminatory reason for terminating her. (emphasis added)

Read in context, Counsel for the General Counsel submits that the word "unlawful" should read "lawful" instead.

2. At page 21, in the Administrative Law Judge's Order, she recommends dismissing the portion of the Complaint alleging that Respondent unlawfully discharged Marcie Barnett. However, at her Conclusions of Law Section 2(a) she found that the termination of Barnett did violate the Act. Instead, Counsel for the General Counsel submits, Section 5(a) of the Administrative Law Judge's Conclusions of Law should substitute Sandaf Subijano for Marcie Barnett, to accurately reflect the Judge's findings. See ALJD p. 20, ll. 5-6.

In sum, Counsel for the General Counsel respectfully request the Administrative Law Judge issue a post-decisional erratum that corrects the typographical error at pages 17 and 21, respectively.¹

Dated in Chicago, Illinois this 10th day of April, 2018.

¹ See *Daniel Construction Co.*, 239 NLRB 1335, 1335 fn. 2 (1979), enfd. mem. 634 F.2d 621 (4th Cir. 1980), cert. denied 450 U.S. 918 (1981); NLRB Division of Judges Bench Book, pp. 10-11. An administrative law judge is authorized to issue post-decision errata to correct material typographical errors, but not to change matters of substance, such as findings on the merits. Board Rules and Regulations, Section 102.35 and 102.45; *Wilco Business Forms*, 280 NLRB 1336, 1336 fn. 2.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned, an attorney for the General Counsel, hereby certifies that she caused a true and correct copy of this Counsel for the General Counsel's Motion to Issue and Erratum to the Administrative Law Judge's Decision, to be electronically filed with the Division of Judges of the National Labor Relations Board on April 10, 2018 and served on the same date via electronic mail at the following addresses:

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