



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

April 26, 2018

[REDACTED]

Re: Challenge Mfg. Company, LLC  
Case 07-CA-207198

Dear [REDACTED]

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

The evidence disclosed by the Regional Office's investigation was insufficient to establish a violation of the National Labor Relations Act, as alleged. The charge alleged that the Employer unlawfully discharged you because of your Union activities. A nexus between any Union activity that you may have engaged in and the Employer's discharge decision was not established by the evidence. Rather, the Employer established that it discharged you due to legitimate business concerns. Specifically, the evidence reveals that you and many other employees in your plant [REDACTED] the Employer used as a basis for a plant-wide downsizing because of a drop in business. As a result, [REDACTED] were terminated. Although the evidence establishes that you engaged in union activity, there is no evidence that the Employer exhibited any animus towards this activity. Inasmuch as employees with [REDACTED] who were not identified as Union supporters were also laid off, in these circumstances the burden of establishing that you were discharged in violation of the Act could not be met. Accordingly, further proceedings are unwarranted.

Sincerely,

Peter Barr Robb  
General Counsel

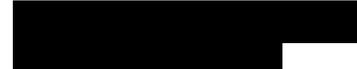
A handwritten signature in black ink that reads "Mark E. Arbesfeld".

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

Mark E. Arbesfeld, Director  
Office of Appeals

cc: TERRY MORGAN  
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