

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 01**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 251**

**and**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 25**

**and**

**DHL EXPRESS (USA), INC.**

**Cases      01-CB-219768  
                 01-CC-219536  
                 01-CC-219746**

**GENERAL COUNSEL’S MOTION FOR CERTIFICATION**

Pursuant to Section 102.35 of the Board’s Rules and Regulations, Counsel for the General Counsel (the “General Counsel”) requests certification of the Judge’s September 14, 2018<sup>1</sup> decision to dismiss the interference allegation against the International Brotherhood of Teamsters, Local 25 (“Local 25”). On July 31, the General Counsel moved to amend the Order Further Consolidating Cases, Amending Consolidated Complaint and Notice of Hearing to allege that Local 25 violated Section 8(b)(1)(A) of the National Labor Relations Act (the “Act”), on about July 19, by interfering with employees’ rights to testify and participate in the prosecution of unfair labor practice charges. Tr. 36. The Judge granted the amendment. Tr. 59.

On September 14, after the General Counsel rested its case-in-chief, Local 25 moved to dismiss the interference allegation arguing that the General Counsel did not present a prima facie case to establish a violation of Section 8(b)(1)(A) of the Act. Tr. 745. The Judge granted the motion to dismiss the interference allegation. Tr. 788-90. According to Board law, a judge issues a decision under Section 102.45(a) of the Board’s Rules and Regulations when granting a

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<sup>1</sup> All dates herein refer to 2018.

motion to dismiss. *See Tech. Serv. Solutions*, 332 NLRB 1096, 1096 & n.3 (2000) (specifically rejecting a judge's claim that the motion to dismiss was a ruling under Section 102.35 of the Board's Rules and Regulations). For this reason, it is the General Counsel's understanding that the Judge issued a bench decision with respect to the interference allegation.

Pursuant to Section 102.45(a) of the Board's Rules and Regulations, the General Counsel respectfully requests that the Judge certify the accuracy of the pages of the transcript containing the decision and file a certified copy of those pages with the Board.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that I e-filed this document through the Agency's website and e-mailed a copy to Marc Gursky, Esq. at mgursky@rilaborlaw.com, Robert Fisher, Esq. at RFisher@seyfarth.com, and Michael Feinberg, Esq. at maf@fczlaw.com on the 1st day of October, 2018.

Respectfully submitted,

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