

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

VW CREDIT, INC.

and

Case 13-CA-158715

KELLEY HELLMAN

VOLKSWAGEN GROUP OF AMERICA, INC.

and

Case 13-CA-166961

KELLEY HELLMAN

NOTICE TO SHOW CAUSE

On March 31, 2016, as corrected on April 6, 2016, the General Counsel, through the Regional Director for Region 13, issued an amended consolidated complaint (“complaint”) alleging that each Respondent violated Section 8(a)(1) of the National Labor Relations Act by maintaining “a mandatory arbitration agreement for certain of its employees that employees reasonably would believe bars or restricts their right to file charges with the Board.” On September 2, 2016, the parties filed a joint motion to waive a hearing and a decision by an administrative law judge and to transfer this proceeding to the Board for a decision based on a stipulated record. On December 2, 2016, the Board issued an Order Approving Stipulation, Granting Motion, and Transferring Proceeding to the Board. Pursuant to that Order, the Board transferred the case to the Board for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order, and set a briefing schedule. Thereafter, the Respondents (jointly) and the General Counsel each

filed briefs, and the Respondents (jointly) and the General Counsel then filed answering briefs.

In support of the complaint’s allegation that the Respondents unlawfully maintained the disputed arbitration agreement, the General Counsel relies on the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14–17 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before November 13, 2018 (with affidavit of service on the parties to this proceeding), why the Board should not revoke its approval of the stipulation and remand this case to the Regional Director for Region 13 for further proceedings consistent with the Board’s decision in *Boeing*. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 29, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild
Acting Executive Secretary