

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

MIDWEST TERMINALS OF TOLEDO,
INTERNATIONAL, INC.

and

Case 08-CA-152192

LOCAL 1982, INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, AFL-CIO

ORDER REMANDING

On October 5, 2018, the National Labor Relations Board issued a Notice to Show Cause why this case should not be remanded for further consideration under *The Boeing Co.*, 365 NLRB No. 154 (2017). The General Counsel and the Respondent each filed a response to the Notice to Show Cause opposing remand and requesting that the Board retain and decide the legality of the work rules now pending on exceptions.

Having duly considered the matter, the Board has concluded that a remand of the entire case to the administrative law judge is warranted.¹

IT IS ORDERED that this proceeding is remanded to Administrative Law Judge Eric M. Fine for the purpose of reopening the record, if necessary, and the preparation of a supplemental decision addressing the complaint allegations affected by *Boeing* and setting forth credibility

¹ In responding to the Notice to Show Cause, the General Counsel contends that the Board should retain and find Sec. 8(a)(1) violations under *Boeing* with respect to 3 contested rules while dismissing allegations as to all other rules at issue. The Respondent also opposes remand, but it contends that the Board should dismiss all unlawful rule allegations under *Boeing*. Neither party has provided any compelling reason why remand is unnecessary or inappropriate here. We find that the most prudent course of action is to remand this case to the judge to initially decide the lawfulness of the challenged provisions under *Boeing*, including whether certain allegations should be dismissed.

resolutions, findings of fact, conclusions of law, and a recommended Order. Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable.

Dated, Washington, D.C., January 25, 2019.

By direction of the Board:

/s/Roxanne L. Rothschild

Acting Executive Secretary