



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

January 31, 2019

[REDACTED]

Re: Metro Services Group
Case 20-CA-206860

Dear [REDACTED]

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of November 30, 2017.

Contrary to your contentions on appeal, there is insufficient evidence to establish that the Employer discharged you in retaliation for complaining about your work assignments or for filing a grievance regarding your termination. Rather, the investigation disclosed that the Employer discharged you for its legitimate business reasons. Regarding your allegation that the Employer retaliated against you for being part of a protected class, the Board does not have jurisdiction over such equal employment opportunity matters.

With respect to your allegation that during the [REDACTED] you were not provided with an unbiased [REDACTED], the evidence established that the Union had at least one [REDACTED] representative at the [REDACTED]. Moreover, your Board testimony never indicated that you did not understand the [REDACTED] process due to any [REDACTED].

With respect to your assertion on appeal that the Region contact more witnesses, please note that Regional Offices do not have an obligation to contact witnesses who will present duplicative evidence. In as much as you have not explained what evidence other witnesses will present that you have not already furnished, the Region does not have an obligation to contact these witnesses.

Accordingly, further proceedings are unwarranted.

Sincerely,

Peter Barr Robb
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
901 MARKET ST STE 400
SAN FRANCISCO, CA 94103-1738

DALE YASHIKI
OFFICER IN CHARGE
NATIONAL LABOR RELATIONS
BOARD
300 ALA MOANA BLVD RM 7-245
PO BOX 50208
HONOLULU, HI 96850


METRO SERVICES
1000 BROADWAY STE 200 - D
OAKLAND, CA 94607-4039


METRO SERVICES GROUP
1000 BROADWAY STE 200-D
OAKLAND, CA 94607-4039

kh