

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

**NEVADA YELLOW CAB CORPORATION, NEVADA
CHECKER CAB CORPORATION, and NEVADA
STAR CAB CORPORATION, a Single Employer**

and

Case 28-CA-218477

**INDUSTRIAL TECHNICAL & PROFESSIONAL
EMPLOYEES UNION, OPEIU LOCAL 4873, AFL-CIO**

**GENERAL COUNSEL'S MOTION FOR
REMAND TO REGIONAL DIRECTOR**

Pursuant to Section 102.24 of the Rules and Regulations of the National Labor Relations Board (the Board), Counsel for the General Counsel (CGC) respectfully moves for this case to be remanded to the Regional Director of Region 28 (the Regional Director) to dismiss the Complaint and conditionally approve a request to withdraw the charge based on a non-Board adjustment between Respondent and the Charging Party.

On December 27, 2018, Administrative Law Judge Arthur J. Amchan issued a decision and recommended Order dismissing the Complaint in this matter, which alleged that Respondent engaged in unfair labor practices within the meaning of Sections 8(a)(1), (3) and (5) of the Act. See JD-84-18. On January 24, 2019, CGC filed exceptions, which remain pending before the Board.

On February 14, 2019, Counsel for Respondent notified CGC that it had reached a non-Board adjustment with the Charging Party and provided CGC with the terms of the non-Board adjustment. On February 15, 2019, the Charging Party submitted a written request to withdraw the charge based on the non-Board adjustment. The Regional Director is of the view

that the parties' non-Board adjustment meets the standards set forth in *Independent Stave Co.*, 287 NLRB 740 (1987).

For the foregoing reasons, CGC respectfully requests that this case be remanded to the Regional Director to dismiss the Complaint and approve the request to withdraw the charge based on the non-Board adjustment, conditioned on compliance with the non-Board adjustment, provided that, upon the motion of CGC, this case shall immediately revert and be reinstated to the same status pending before the Board on exceptions if, in the sole determination of the Regional Director, Respondent has failed to comply with the terms of the non-Board adjustment. Respondent and the Charging Party do not oppose this motion.

Dated at Phoenix, Arizona, this 5th day of March 2019.

Respectfully submitted,

/s/ Kyler A. Scheid

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing General Counsel's Motion for Remand to Regional Director in *Nevada Yellow Cab Corporation, Nevada Checker Cab Corporation, and Nevada Star Cab Corporation, a Single Employer*, Case 28-CA-218477, was e-filed and served by email on this 5th day of March 2019 on the following:

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