



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

April 4, 2019

[REDACTED]  
WEINBERG, ROGER & ROSENFELD, PC  
1001 MARINA VILLAGE PKWY STE 200  
ALAMEDA, CA 94501-6430

Re: PAE Aviation and Technical Services LLC  
Case 28-CA-175936

Dear [REDACTED]

Your appeal from the Regional Director's decision to partially dismiss the Section 8(a)(1) allegations that the Employer maintained two overly-broad and discriminatory rules in its Disciplinary Process is denied substantially for the reasons in the Regional Director's letter of March 5, 2019.

Contrary to your contention on appeal, the Regional Director does not lack authority to dismiss the above charge allegations. While you did submit exceptions to the administrative law judge's February 11, 2019 Order, the exceptions will not stay the Regional Director's decision. The Board does not have jurisdiction to consider the exceptions because the Order did not transfer the case to the Board. Rather, the Order remanded the case to the Regional Director "for further handling consistent with this Order." Thus, the Regional Director has the authority to dismiss the allegations.

Further, we conclude that the Employer did not maintain two overly broad and discriminatory rules in its Disciplinary Process. We have determined that Rules 12 and 19 are lawful under *Boeing*, 365 NLRB No. 154 (2017). Regarding Rule 19, in context, a reasonable employee would not under the rule to apply to unfair labor practice investigations, as opposed to Employer-initiated investigations.

Therefore, further proceedings were unwarranted as to these allegations.

Sincerely,

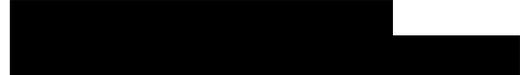
Peter Barr Robb  
General Counsel



By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: CORNELE A. OVERSTREET  
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