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July 5, 2019

Roxanne L. Rothschild, Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Re: *Arlington Metals Corp. and USW and Brandon DeLaCruz*,
Case Nos. 13-CA-122273, 13-CA-125255 and 13-CA-133055

Dear Ms. Rothschild:

Proposed Intervenor Brandon DeLaCruz submits this supplemental citation of authorities in support of his pending Exceptions. *See* NLRB R & R Section 102.6.

This case concerns, *inter alia*, Arlington Metals Corp.'s withdrawal of recognition from the USW, and employee Brandon DeLaCruz's unsuccessful effort to intervene in the case to protect the withdrawal petition he created and circulated.

The first supplemental authority is *Veritas Health Services, Inc. v. NLRB*, 895 F.3d 69, 89 (D.C. Cir. 2018) (Millet, J., concurring), in which she wrote to "to express my concerns about the Board's continued failure to establish any discernible, consistent standard for granting and denying intervention in agency proceedings." After *Veritas*, the Board should grant Mr. DeLaCruz's exceptions and use this case to set clear standards for when employees should be allowed to intervene in cases directly affecting their decertification or withdrawal petitions, as Judge Millet directed. *See, e.g., Novelis Corp. v. NLRB*, 885 F.3d 100 (2d Cir. 2018) (employees who opposed the union and the *Gissel* bargaining order were allowed to intervene by both the ALJ and the Board); *Novelis Corp.*, Case No. 03-CA-121293 (unpublished Board Order upholding employees' intervention) (Sept. 12, 2014); *Novelis Corp.*, 364 NLRB No. 101, n.1 (Aug. 26, 2016).

The second supplemental citation of authority is General Counsel Memorandum 18-06, "Responding to Motions to Intervene by Decertification Petitioners and Employees." In the wake of Judge Millet's concurrence, the General Counsel also asks for the adoption of new intervention standards in cases like this, to protect decertification petitioners' Section 7 rights.

The third supplemental citation of authority is *Johnson Controls, Inc.*, 368 NLRB No. 20 (July 3, 2019), in which the Board recognized the primacy of employee free choice in representational matters, and altered the standards for some withdrawals of recognition.

Please submit this letter to the Board Members.

Respectfully submitted,

/s/ Glenn M. Taubman
Attorney for Brandon DeLaCruz

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