



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 06
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlr.gov
Telephone: (412)395-4400
Fax: (412)395-5986

November 6, 2019



Re: Contura Energy Services, LLC d/b/a
Cumberland Contura Mine
Case 06-CA-245356

United Mine Workers of America,
International Union, and its Local 2300,
AFL-CIO, CLC (Contura Energy Services,
LLC d/b/a Cumberland Contura Mine)
Case 06-CB-245379

Dear [REDACTED]:

We have carefully investigated and considered your charges that Contura Energy Services, LLC d/b/a Cumberland Contura Mine and United Mine Workers of America, International Union, and its Local 2300, AFL-CIO, CLC have violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charges for the reasons discussed below.

Case 06-CA-245356

Your charge against Contura Energy Services (the Employer), LLC alleges the Employer retaliated against you for filing charges with the NLRB in violation of Section 8(a)(4) of the Act. More specifically, you alleged the Employer violated the Act by posting copies of NLRB charges containing your personal information, for the purpose of harassing you and creating a hostile work environment. The investigation established that the Employer was not involved in posting copies of NLRB charges containing your personal information; moreover, the Employer took steps to remove the posted charges. Under these circumstances, it cannot be found that the Employer violated the Act.

Case 06-CB-245379

Your charge against United Mine Workers of America, International Union, and its Local 2300 (the Union) alleges the Union violated Section 8(b)(1)(A) of the Act by retaliating against you for filing charges with the NLRB. More specifically, you allege the Union violated the Act by posting copies of NLRB charges containing your name and address, in order to harass you and to create a hostile work environment. Although the investigation determined the Union was involved in posting copies of your NLRB charges, the evidence was insufficient to establish that

the Union's action was taken to retaliate against you in violation of the Act. Further, it is noted both that charges filed with the NLRB are public documents and that a union has a right to inform its members of actions taken against it.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 20, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 19, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 20, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 20, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Nancy Wilson
Regional Director

Enclosure

cc: Christine Hayhurst, Human Resources
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cp

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)