



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

December 18, 2019



Re: U.S. POSTAL SERVICE
Case 01-CA-251876

Dear [REDACTED]:

We have carefully considered your charge that the Employer has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that the Employer violated the Act by making unilateral changes and refusing to respond to your requests for information. On December 2, 2019, the Board Agent sent an email to you, using the address you provided on the charge, requesting you complete your submission of evidence in support of your charge. On December 5, 2019, in another email, the Board Agent followed up on her previous email because she received no response from you to her earlier email and asked you to provide additional information regarding the Employer's alleged failure to provide the Union with information. On December 9, 2019, the Board Agent contacted you by telephone using the telephone number you provided on the charge, and in a text message requested that you respond to her earlier emails. Again, you did not respond. Thereafter, by email dated December 12, 2019, the Board Agent requested your cooperation in finalizing your submission of evidence in support of your charge. That email instructed you to contact the Board Agent before noon on December 16, 2019, or your charge would be subject to dismissal for noncooperation. You never contacted the Board Agent, and you have failed to fully participate in presenting evidence in support of your charge. In view of your lack of cooperation in investigating this case, I have determined that further proceedings are not warranted. Therefore, I am dismissing your charge.

If you wish to refile this charge later when you can cooperate in the investigation and you wish to re-file this charge, you may do so. However, your attention is directed to Section 10(b) of the Act which provides that a charge must be filed with the NLRB and served on the charged party within six months of the conduct alleged to be unlawful.

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 **January 2, 2020**. 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 January 1, 2020. **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 January 2, 2020**. 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 January 2, 2020, **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.

December 18, 2019

Very truly yours,



Paul J. Murphy
Acting Regional Director

Enclosure

cc:

[REDACTED]

United States Postal Service
Law Department - NLRB Unit
1720 Market St. Rm 2400
Saint Louis, MO 63155-9948

[REDACTED]

United States Postal Service
750 Washington St.
Bath, ME 04530

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

U.S. POSTAL SERVICE

Case Name(s).

01-CA-251876

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

(Signature)