

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

VALUE ADDED PROCESSING, INC.
Employer

And

Case No. 6-RD-252755

BARRY VIRGIL RATLIFF, JR.
Petitioner

and

**UNITED STEELWORKERS OF AMERICA,
LOCAL 5852-24, AFL-CIO, CLC**
Union

**VALUE ADDED PROCESSING, INC.’S REQUEST FOR REVIEW OF REGIONAL
DIRECTOR’S DECEMBER 9, 2019 ORDER GRANTING UNION’S REQUEST TO
BLOCK THE ELECTION AND ORDER CANCELLING HEARING**

Pursuant to Section 102.71(b) of the National Labor Relations Board’s Rules and Regulations, Value Added Processing, Inc., (“VAP” or “Employer”) hereby files its Request for Review of the Regional Director’s December 9, 2019 Order Granting the Union’s¹ Request to Block the Election and Order Cancelling Hearing. VAP’s Request for review should be granted because the Regional Director’s Decision is arbitrary and capricious and a union should be prohibited from filing frivolous blocking charges whereas here, well over 75% of the bargaining unit exercised their Section 7 rights and signed a petition to remove the union as their representative.

VAP maintains that the Board should prohibit Regional Director’s from blocking RD elections where at least 75% of the employees have exercised their Section 7 rights to rid

¹ United Steelworkers of America, Local 5852-24, AFL-CIO, CLC

themselves of union representation. In the case herein, approximately 84% of VAP's employees signed a petition stating that they no longer wish the Union be their representative. Nonetheless, the union filed an unfair labor practice charge (6-CA-253037) setting forth boilerplate allegations that the petition was unlawful. The unfair labor practice states as follows: "On or about November 27, 2019, the Employer violated Section 8(a)(5) by unilaterally withdrawing recognition of the Union. Within the 10(b) period, the Employer violated Section 8(a)(1) by interfering with the Section 7 rights of the employees by threats and promises of benefits." The Regional Director maintains that she granted the Union's request based upon its offer of proof alleging unlawful conduct affecting employees covered by the petition. Such a procedure allows for unions to file frivolous boilerplate allegations with the sole intention to block an election even when over 75% of the employees have told the union they no longer desire their representation.

The Regional Director's decision is arbitrary and capricious for the same reasoning as set forth above.

Based upon all of the forgoing, the Employer respectfully requests that its Request for Review be Granted and the employees be permitted to conduct an election.

Dated this 23rd day of December, 2019.

Respectfully submitted,

/s/ Ronald L. Mason

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 23, 2019, an electronic original of the Employer's Request for Review was filed with the Executive Secretary via the Department of Labor, National Labor Relations Board electronic filing system and, further, that copies of the foregoing were transmitted to the following individuals by electronic mail or regular U.S. Mail:

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/s/ Aaron T. Tulencik

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