

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-230542**

**AMANDA DELAY, an Individual**

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**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-233980**

**PATRICIA SAFIROWSKI, an Individual**

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**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-235295**

**ECHO SEIDLER, an Individual**

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**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-236795**

**CHARLOTTE TRAENKLE, an Individual**

**GENERAL COUNSEL'S AMENDED RESPONSE IN OPPOSITION TO  
RESPONDENT'S PARTIAL MOTION TO DISMISS ORDER CONSOLIDATING CASES**

The General Counsel of the National Labor Relations Board, by his undersigned counsel, files this Amended Response in Opposition to Ohio North East Health Systems Inc. d/b/a One Health Ohio's (Respondent) Partial Motion to Dismiss Order Consolidating Cases, Consolidated Complaint and

Notice of Hearing as it Relates to Charging Party Patricia Safirowski (Motion) in the above-captioned cases pursuant to Section 102.24(b) of the Board's Rules and Regulations (Rules). Respondent's Motion should be summarily denied for the following reasons. While citing the appropriate section of the Rules, Respondent failed to appropriately file its Motion with the Board as prescribed by Section 102.24. While put on notice by Counsel for the General Counsel of its filing error, Respondent did not properly file the instant Motion with the Board until well after the time period required by the Rules. In addition to its procedural deficiencies, Respondent's Motion asserting that the pleadings are insufficient related to Case 08-CA-233980<sup>1</sup> are unavailing.

For ease of the record, the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (Consolidated Complaint) is attached as Exhibit A. Respondent's Motion is attached as Exhibit B, and the charge at issue, Case 08-CA-233980, is attached as Exhibit C. The hearing before Administrative Law Judge Sharon Steckler (ALJ) was scheduled to begin on January 13, 2020 has since been indefinitely postponed due to the untimely official filing of the Motion. For the reasons set forth below, Counsel for the General Counsel respectfully requests that the Motion be denied.

### **I. Relevant Procedural Background**

The Consolidated Complaint pleads that Charging Party Safirowski filed Case 08-CA-233980 on January 14, 2019, with a first-amended charge filed on February 14, 2019; and a second-amended charge filed on June 24, 2019. The second-amended charge in Case 08-CA-233980 contains the following Section 8(a)(1) allegations:

(1) On or about December 10, 2018, the Employer's supervisor and/or agent Teri Stiner made unlawfully coercive statements to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity;

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<sup>1</sup> Respondent's Motion correctly notes that the caption of the Consolidated Complaint inadvertently and erroneously switched the case numbers for the charges filed by Charging Party Safirowski and Charging Party Echo Seidler. The current heading reflects the appropriate filings.

(2) Around December 12, 2018, the Employer's supervisors and/or agents Teri Stiner and/or Candi Woodyard made an unlawfully coercive statement to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity; and

(3) On or about December 2018, on multiple occasions, the Employer's supervisor and/or agent Teri Stiner made unlawfully coercive statements to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity.

The Consolidated Complaint issued on September 13, 2019. On November 7, 2019, Respondent sought a postponement of the original December 2, 2019 hearing date (Exhibit D). By Order dated November 8, 2019, the Acting Regional Director of Region 8 granted Respondent's request and postponed the hearing to January 13, 2020 (Exhibit E).

After Respondent's attempt to file its Motion on December 16, 2019, Counsel for the General Counsel communicated with Respondent's counsel addressing the Region's willingness to discuss and resolve the issues raised in its Motion. After making no progress, the General Counsel filed its original response with the Board on December 20, 2019 in opposition to said Motion (Response).

Thereafter, Respondent, in its reply to the GC's Response, again misfiled its document on December 23, 2019. On January 6, 2020, during a pre-hearing conference call with ALJ Steckler, and notably after Counsel for the General Counsel's repeated assertions that Respondent incorrectly filed its Motion, Respondent finally and correctly filed its Motion with the Board, albeit together with its Reply to the GC's Response on January 6, 2020 - a week before the scheduled hearing.

## **II. Respondent's untimely and improper filing failed to follow the Rules and wasted the limited resources of the General Counsel.**

Respondent's initial filing of its Motion on December 16, 2019 failed to follow the requirements of Rule 102.24(a), requiring that such a motion be filed with the Board. After a conference call with the ALJ specifically detailing Respondent's filing error, Respondent filed its

Motion on January 6, 2020 with the Board. However, the filing came well after the requirements of Rule 102.24(b), which requires any such motion to be filed within 28 days of the hearing. On the basis of the untimeliness of filing, Respondent's Motion should be denied. Respondent's failure to put its issue properly before the Board has thus required the General Counsel to indefinitely postpone the scheduled hearing less than a week before it was scheduled to begin. Significant resources have been expended by the General Counsel to ensure witness availability on the scheduled dates of hearing. The delay further negatively impacts all parties as the alleged discriminatees have not been repaired to the status quo, and absent offers of reinstatement, Respondent's backpay burden continues to compound.

### **III. Safirowski's Charge Adequately Pleads Unfair Labor Practice Allegations Under the Rules.**

The substance of Respondent's Motion is focused on its assertion that Case 08-CA-233980, filed by Charging Party Safirowski, fails to adequately plead an unfair labor practice. Section 102.12(d) of the Rules requires that a charge contain "a clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce." It is well-established Board law that a charge does not require the specificity of a pleading, and instead merely serves to initiate a Board investigation to determine whether a complaint should be issued. NLRB v. Fant Milling Co., 360 U.S. 301, 307 (1959). Here, the charge allegations provide the necessary information to put Respondent on notice of the asserted unfair labor practices. Specifically, the charge alleges that Respondent's representatives, Teri Stiner and/or Candi Woodyard, made unlawful coercive statements to employees. The plain language of the charge and its amendments clearly provide Respondent with appropriate notice of the alleged unfair labor practices.

#### **IV. The Consolidated Complaint Paragraphs Identified in Respondent's Motion Adequately Plead Unfair Labor Practice Allegations Under the Rules.**

Moreover, consistent with the asserted language in Case 08-CA-233980, the Consolidated Complaint provides Respondent with sufficient details and information to effectively respond in its Answer. Section 102.15(b) of the Rules require that a complaint contain “a clear and concise description of the acts which are claimed to constitute unfair labor practices, including, where known, the approximate dates and places of such acts and the names of respondents agents or other representatives by whom committed.” *See also Nissan North America, Inc.*, 10-CA-198732, *unpub. Board order issued* Nov. 16, 2017 (2017 WL 5516533), at n. 2; *Component Bar Products, Inc.*, 2016 WL 6662843, at \*2; *and American Newspaper Publishers Assn. v. NLRB*, 193 F.2d 782, 800 (7th Cir. 1951), *aff'd*. 345 U.S. 100 (1953), *quoting from NLRB v. Piqua Munising Wood Products Co.*, 109 F.2d 552, 557 (6th Cir. 1940) (“All that is requisite in a valid complaint before the Board is that there be a plain statement of the things claimed to constitute an unfair labor practice that the respondent may be put upon his defense.”). The Consolidated Complaint paragraphs at issue comport with both the requirements under the Rules and well-established Board law. Respondent’s contention at its fundamental level, that Safirowski’s name does not appear in the Consolidated Complaint, is neither persuasive or availing. Respondent has been afforded proper notice through the filing of said charge, and its amendments; its communications with the Region during the investigation detailing the events at issue; and the subsequent pleadings in the Consolidated Complaint. Respondent provides no authority to support that the name of the charging party must appear in the substantive pleadings in the complaint to assure that a respondent’s due process has been sufficiently protected.

**V. The Applicable Remedies for the 8(a)(1) Allegations in Safirowski's Charge and the Corresponding Consolidated Complaint Paragraphs are Appropriate.**

Respondent's Motion, together with its Reply, inaccurately claims that no remedy exists for Safirowski and to the allegations in Case 08-CA-233980. The Motion and the Reply fail to consider that there is an established Board remedy for Section 8(a)(1) allegations. A notice to employees gives employees information about their federal rights under the National Labor Relations Act, and specifically addresses areas in which an employer must cease assailing those rights and affirms an employer's future commitment to afford those rights to employees. Moreover, the Rules specifically provide that any person may file a charge. *See* Sections 102.9 and 102.1(a) of the Rules; *see also* Operating Engineers Local 39 (Kaiser Foundation), 268 NLRB 115, 116 (1983) ("The simple fact is that anyone for any reason may file charges with the Board."), *enf'd.* 746 F.2d 530 (9th Cir. 1984). Respondent's contention that the absence of Safirowski's name leading to any monetary remedy is of no moment. A notice to employees of Section 8(a)(1) conduct is an effective remedy, albeit non-monetary and Safirowski has the unfettered right under the Act to file a charge alleging unfair labor practices.

**VI. Conclusion**

It is respectfully requested that the Board deny the Respondent's Motion for the afore-said reasons. Procedurally, Respondent failed to properly file this Motion before the Board despite its clear reference to Section 102.24 of the Rules. Its subsequent filing with the Board is untimely under said rule and the Motion should be denied on those grounds. Moreover, substantively, Respondent failed to demonstrate any deficiencies in the underlying charge in Case 08-CA-233980, its subsequent amendments, or in the Consolidated Complaint. The Respondent failed to meet its burden. Instead, the facts demonstrate that the Respondent received the proper notice

through detailed allegations necessary to mount its defense and sufficient for it to file its Answer.

Accordingly, Respondent's Motion to Dismiss should be denied.

**/s/ Noah Fowle**

Noah Fowle

Counsel for the General Counsel

National Labor Relations Board

Region 8

**CERTIFICATE OF SERVICE**

The foregoing Response in Opposition to Respondent's Partial Motion to Dismiss Order Consolidating Cases, Consolidated Complaint and Notice of Hearing as it Relates to Charging Party Patricia Safirowski of Ohio North East Health Systems Inc., d/b/a One Health Ohio was electronically filed though the NLRB website on January 9, 2020 with the Board.

The foregoing Response in Opposition to Respondent's Partial Motion to Dismiss Order Consolidating Cases, Consolidated Complaint and Notice of Hearing as it Relates to Charging Party Patricia Safirowski of Ohio North East Health Systems Inc., d/b/a One Health Ohio was sent to the following by email on January 9, 2020:

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**/s/ Noah Fowle**  
Noah Fowle  
Counsel for the General Counsel  
National Labor Relations Board  
Region 8

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-230542**

**AMANDA DELAY, an Individual**

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**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-233980**

**ECHO SEIDLER, an Individual**

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**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-235295**

**PATRICIA SAFIROWSKI, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-236795**

**CHARLOTTE TRAENKLE, an Individual**

**ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Case 08-

CA-230542 filed by Amanda DeLay, an Individual (Charging Party DeLay or DeLay), Case 08-CA-233980 filed by Patricia Safirowski, an Individual (Charging Party Safirowski or Safirowski); Case 08-CA-235295 filed by Echo Seidler, an Individual (Charging Party Seidler or Seidler); and Case 08-CA-236795 filed by Charlotte Traenkle, an Individual, (Charging Party Traenkle or Traenkle), respectively, against Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations and alleges that Respondent has violated the Act as described below.

1. (A) The charge in Case 08-CA-230542 was filed by Charging Party DeLay on November 6, 2018, and a copy was served on Respondent by U.S. mail on November 6, 2018.

(B) The first amended charge in Case 08-CA-230542 was filed by Charging Party DeLay on March 6, 2019 and a copy was served on Respondent by U.S. mail on March 6, 2019.

2. (A) The charge in Case 08-CA-233980 was filed by Charging Party Safirowski on January 11, 2019, and a copy was served on Respondent by U.S. mail on January 14, 2019.

(B) The first amended charge in in Case 08-CA-233980 was filed by Charging Party Safirowski on February 14, 2019, and a copy was served on Respondent by U.S. mail on February 14, 2019.

(C) The second amended charge in Case 08-CA-233980 was filed by Charging Party Safirowski on June 24, 2019, and a copy was served on Respondent by U.S. mail on June 24, 2019.

◦ 3. (A) The charge in Case 08-CA-235295 was filed by Charging Party Seidler on February 5, 2019, and a copy was served on Respondent by U.S. mail on February 5, 2019.

(B) The first amended charge in Case 08-CA-235295 was filed by Charging Party Seidler on February 25, 2019, and a copy was served on Respondent by U.S. mail on March 4, 2019.

(C) The second amended charge in Case 08-CA-235295 was filed by Charging Party Seidler on June 19, 2019 and a copy was served on Respondent by U.S. mail on June 19, 2019.

4. (A) The charge in Case 08-CA-236795 was filed by Charging Party Traenkle on February 28, 2019, and a copy was served on Respondent by U.S. mail on February 28, 2019.

(B) The first amended charge in Case 08-CA-236795 was filed by Charging Party Traenkle on March 13, 2019, and a copy was served on Respondent by U.S. mail on March 13, 2019.

(C) The second amended charge in Case 08-CA-236795 was filed by Charging Party Traenkle on June 18, 2019, and a copy was served on Respondent by U.S. mail on June 18, 2019.

(D) The third amended charge in Case 08-CA-236795 was filed by Charging Party Traenkle on September 13, 2019, and a copy was served on Respondent concurrently with this Consolidated Complaint and Notice of Hearing.

5. At all material times, Respondent has been an Ohio corporation with its principal office and place of business in Youngstown, Ohio, with other offices and places of business in Warren, Ohio and Alliance, Ohio, and has been operating health care centers providing mental, dental and behavioral care.

6. (A) Annually, Respondent, in conducting its business operations described above in paragraph 5, has derived gross revenues in excess of \$250,000.

(B) Annually, Respondent, in conducting its business operations described above in paragraph 5, has purchased and received at its places of business described above in paragraph 5, materials or services valued in excess of \$50,000 directly from points outside the State of Ohio.

7. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

8. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Dr. Ronald Dwinnells	-	Chief Executive Officer
Jennifer Wolford	-	Supervisor (until approximately September 30, 2018)
Candi Woodyard	-	Chief Operating Officer (until at least February 1, 2019)
Teri Stiner	-	Supervisor (until approximately February 1, 2019)
Mark Haddle	-	Compliance Officer
Dr. Maria Kowal	-	Chief Medical Officer

9. (A) From Summer 2018 through January 2019, the exact dates being presently unknown, Respondent's employees DeLay, Seidler, and Traenkle concertedly complained to Respondent regarding wages, hours, and working conditions of Respondent's

employees by raising questions about work schedules, work assignments, and the Respondent's mandatory influenza vaccination policy.

(B) (1) About October 30, 2018, Respondent terminated employees DeLay and Seidler.

(2) About January 30, 2019, Respondent terminated employee Traenkle.

(C) Respondent engaged in the conduct described above in paragraph 9(B)(1) and 9(B)(2) because DeLay, Seidler, and Traenkle engaged in, and/or Respondent believed they engaged in the conduct described above in paragraph 9(A), and to discourage employees from engaging in these or other concerted activities.

10. Respondent by Teri Stiner:

(A) In or around mid-November 2018, the exact date being presently unknown, at the Respondent's Youngstown facility coercively warned employees to stop gossiping and complaining about what was going on at work.

(B) In or around mid-November 2018, the exact date being presently unknown, at the Respondent's Youngstown facility, gave employees the impression that their protected, concerted activities were under surveillance.

(C) In early December 2018, the exact date being presently unknown, at the Respondent's Youngstown facility, coercively told an employee to stop causing trouble.

(D) In or around early December 2018, the exact date being presently unknown, at the Respondent's Youngstown facility, impliedly threatened employees with unspecified reprisals by telling employees that complaints about new hires had to stop.

(E) On or about December 10, 2018, by electronic mail, coercively told employees to stop complaining, to stop emailing, and to stop texting one another.

11. On or about December 12, 2018, Respondent by Stiner and Woodyard, at the Respondent's Youngstown facility, threatened or impliedly threatened an employee with termination by telling the employee to refrain from communications with other employees, to keep a low profile, to stay quiet while at the call center, and not to contact other employees.

12. By the conduct described above in paragraphs 9, 10 and 11 their respective subparagraphs, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

13. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before September 27, 2019, or postmarked on or before September 26, 2019.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 2<sup>nd</sup> day of December 2019, at 1:00 p.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240

East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 13<sup>th</sup> day of September 2019.



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IVA CHOE  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 08  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Attachments



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Cases 08-CB-230542, 233980, 235295 and 236795

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in **detail**;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Mark Haddle, Chief Security and  
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## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.



- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-236795	9/13/19

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO		b. Tel. No. (330)747-9551
		c. Cell No.
d. Address (street, city, state ZIP code) 726 Wick Ave, Youngstown, OH 44505-2827	e. Employer Representative Mark Haddle Chief Security and Compliance Officer	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Warren, OH
i. Type of Establishment (factory, nursing home, hotel) health clinic	j. Principal Product or Service health care	k. Number of workers at dispute location 100

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
Within the 10(b) period, the Employer through its supervisors, managers, and/or agents has interfered with, restrained, and/or coerced employees in the exercise of the rights guaranteed in Section 7, and is interfering, restraining, and/or coercing them through the following acts: (1) On or about January 30, 2019, the Employer discriminated against employee Charlotte Traenkle by terminating her employment in retaliation for and or in order to discourage protected concerted activities in relation to her discuss terms and conditions of employment with other employees, and or raising group concerns and/or complaints; and (2) in November 2018, the Employer, through its supervisor and/or agent Teri Stiner made an unlawful coercive statement to employees at its Youngstown facility that gave employees the impression that their protected concerted activities were under surveillance.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Charlotte Traenkle

4a. Address (street and number, city, state, and ZIP code)  24 E. Kline Road Girard OH 44420	4b. Tel. No. 234 308 9239
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail charlottetraenkle@yahoo.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By:  (signature of representative or person making charge)  Address: 24 E. Kline Road Girard, OH 44420	Charlotte Traenkle Print Name and Title	Tel. No. 234 308 9239
	Date: 9-12-19	Office, if any, Cell No.
		Fax No.
		e-Mail charlottetraenkle@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO	)	
	)	
and	)	
	)	CASE NO. 08-CA-230542
AMANDA DELAY, an Individual	)	
	)	
	)	
	)	
OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO	)	
	)	
and	)	
	)	CASE NO. 08-CA-233980
ECHO SEIDLER, an Individual	)	
	)	
	)	
	)	
OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO	)	
	)	
and	)	
	)	CASE NO. 08-CA-235295
PATRICIA SAFIROWSKI, an Individual	)	
	)	
	)	
	)	
OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO	)	
	)	
and	)	
	)	CASE NO. 08-CA-236795
CHARLOTTE TRAENKLE, an Individual	)	
	)	

**PARTIAL MOTION TO DISMISS ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING AS IT RELATES TO  
CHARGING PARTY PATRICIA SAFIROWSKI OF OHIO NORTH EAST HEALTH  
SYSTEMS, INC., d/b/a ONE HEALTH OHIO**

Respondent, Ohio North East Health Systems, Inc., d/b/a ONE Health Ohio, pursuant to Section 102.24 of the National Labor Relations Board's Rules and Regulations, respectfully moves the Administrative Law Judge for an order dismissing the General Counsel's Order Consolidating Cases, Consolidated Complaint And Notice of Hearing ("Complaint") in the above-captioned matter as it relates to Charging Party Patricia Safirowski, Case No. 08-CA-235295<sup>1</sup> for failure to state a claim upon which relief as to Charging Party Patricia Safirowski can be granted.

As more fully stated in the attached Memorandum in Support, incorporated herein, the General Counsel's Complaint with respect to Charging Party Safirowski is deficient. Even if the General Counsel's allegations in the Complaint are true, which they are not, as stated in Respondent's Answer, there are no allegations relating to Charging Party Safirowski. Thus, the General Counsel's Complaint, as pleaded, allows for no relief to be obtained as to Charging Party Safirowski. For this reason, Respondent respectfully moves the Administrative Law Judge for an order dismissing the Complaint as to Charging Party Safirowksi, Case No. 08-CA-235295, for failure to state a claim upon which relief can be granted.

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<sup>1</sup> There is an internal inconsistency in the General Counsel's Complaint in the heading and Paragraph 2 as to what case number relates to Charging Party Patricia Safirowski. Respondent believes that the correct case number is either Case No. 08-CA-235295 or 08-CA-233980. For the reasons stated herein, Respondent requests dismissal as to the allegations and case number that relates to Charging Party Patricia Safirowski, whichever number that may be.

Respectfully submitted,

/s/ Richard L. Hilbrich

Christopher B. Congeni (#0078160)

Matthew R. Duncan (#0076420)

Richard L. Hilbrich (#0092143)

**BRENNAN, MANNA & DIAMOND, LLC**

75 East Market Street

Akron, OH 44308

Phone: (330) 253-5060

Fax: (330) 253-1977

Email: cbcongeni@bmdllc.com

Email: mrduncan@bmdllc.com

Email: rlhilbrich@bmdllc.com

*Counsel for Respondent Ohio North East Health  
Systems, Inc., d/b/a ONE Health Ohio*

## MEMORANDUM IN SUPPORT

### I. INTRODUCTION AND STATEMENT OF FACTS OF COMPLAINT

On September 13, 2019 the General Counsel filed an Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing (“Complaint”) for the cases against Ohio North East Health Systems, Inc., d/b/a ONE Health Ohio (“ONE Health Ohio”) involving Charging Parties Amanda DeLay (“DeLay”), Case No. 08-CA-230542; Echo Seidler (“Seidler”), Case No. 08-CA-233980; Patricia Safirowski (“Safirowski”), Case No. 08-CA-235295; and Charlotte Traenkle (“Traenkle”), Case No. 08-CA-236795 (DeLay, Seidler, Safirowski, and Traenkle, collectively, the “Charging Parties”).

The Complaint contains various enumerated paragraphs relating to each of the Charging Parties. The only paragraphs in the Complaint that relate, in any way, to Safirowski are as follows:

“2. (A) The charge in Case 08-CA-233980 [*sic*] was filed by Charging Party Safirowski on January 11, 2019, and a copy was served on Respondent by U.S. mail on January 14, 2019.

(B) The first amended charge in in [*sic*] Case 08-CA-233980 [*sic*] was filed by Charging Party Safirowski on February 14, 2019, and a copy was served on Respondent by U.S. mail on February 14, 2019.

(C) The second amended charge in Case 08-CA-233980 [*sic*] was filed by Charging Party Safirowski on June 24, 2019, and a copy was served on Respondent by U.S. mail on June 24, 2019.”

General Counsel’s Complaint, at ¶ 2. There are no other paragraphs in the Complaint which relate to Safirowski, specifically or generally.

## II. LAW AND ARGUMENT

### A. Standard for Motions to Dismiss And Adequately Pleaded Complaints

Pursuant to Section 102.24(b) of the National Labor Relations Board's Rules and Regulations, a Respondent may file a motion to dismiss all or part of a complaint twenty-eight (28) days in advance of the hearing date. In ruling on a motion to dismiss, an administrative law judge should "construe the complaint in the light most favorable to the General Counsel, accept all factual allegations as true, and determine whether the General Counsel can prove any set of facts in support of his claims that would entitle him to relief." *Detroit Newspapers Agency*, 330 NLRB 524, 525 fn. 7 (2000). An administrative law judge has the authority to grant a motion to dismiss certain allegations in a complaint. *See Greensboro News & Record*, 293 NLRB 1243 (1989)(affirming dismissal of complaint allegations relating to one respondent); *see also Sprint Communications d/b/a/ Cent. Tel. Co. of Texas & Communications Workers of America, Local 6174, Afl-Cio*, 343 NLRB 987 (2004)(affirming dismissal of certain allegations relating to documents withheld during the discovery process).

A valid complaint before the Board requires "a plain statement of the things claimed to constitute an unfair labor practice **that the respondent may be put upon his defense.**" *American Newspaper Publishers Assn. v. NLRB*, 193 F.2d 782, 800 (7th Cir. 1951), *affd.* 345 U.S. 100 (1953), *quoting from NLRB v. Piqua Munising Wood Products Co.*, 109 F.2d 552, 557 (6th Cir. 1940)(emphasis added). In *Retail Clerks Union, Local 770*, the Board dismissed a complaint, after the hearing, because there was "no evidence that any of these employees was engaged in concerted or union activities in seeking a separate and independent representative for the purpose of collective bargaining with Respondent." *Retail Clerks Union, Local 770*, 208

NLRB 356, 357 (1974).<sup>2</sup> As a standard rule, a complaint is to allege “who committed the act, what was done, when was it done, and where.” *See* NLRB, Bench Book, § 3–230; see also NLRB Rules and Regulations, § 102.15.

**B. The General Counsel’s Complaint, as to Safirowski, Fails the Minimum Pleading Standard and Fails to State A Claim for Relief as to Safirowski**

In this case, ONE Health Ohio has alleged failure to state a claim as an affirmative defense. *See* Respondent’s Answer, at Affirmative Defense No. 1. The Complaint contains just one paragraph, Paragraph 2, cited above, which concerns Safirowski. There are no other allegations in this case relating to Safirowski, except that she filed a charge, an amended charge, and a second amended charge, which were allegedly served on Respondent. *See* Complaint, at ¶ 2. If the Administrative Law Judge takes these allegations as true, as required under the above precedent, Safirowski is, nevertheless, unable to recover on the Complaint, as it does not relate to her charge. Safirowski is unable to recover on the Complaint, as pleaded.

Further, the Complaint fails the pleading standard required under *American Newspaper Publishers Assn.*, as it does not give facts sufficient that ONE Health Ohio “may be put on [its] defense.” *American Newspaper Publishers Assn.*, *supra*, 193 F.2d at 800. Without such facts, ONE Health cannot adequately prepare a defense to the allegations as to Safirowski.

Contrary to the allegations concerning DeLay, Seidler, and Traenkle, there are no allegations relating to Safirowski which would allow ONE Health Ohio to even discern the General Counsel’s allegations concerning Safirowski, let alone prepare a defense. The Complaint does not allege, for example, that ONE Health Ohio employed Safirowski; that Safirowski concertedly complained to ONE Health Ohio; that Safirowski engaged in any other protected activity; that ONE Health Ohio terminated, or took other adverse employment action, against

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<sup>2</sup> The standard for an administrative law judge to rule on a motion to dismiss before or after the hearing is the same. *See* NLRB, Bench Book, § 11–340.

Safirowski; or that ONE Health Ohio believed that Safirowski engaged in any protected activity. *Cf.* Complaint, at ¶ 9 (alleging that ONE Health Ohio employed DeLay, Seidler, and Traenkle, that each of these engaged in protected activity, and that each were terminated).

Without knowing what wrongdoing the General Counsel alleges ONE Health Ohio committed as to Safirowski, it is impossible to analyze whether Safirowski engaged in any protected activity. ONE Health Ohio would have to speculate as to the factual allegations as to Safirowski to even defend itself at the hearing. Because the Complaint fails the pleading standard as to Safirowski's charge and does not allow for any relief for Safirowski, as pleaded, it should be dismissed as to her charge.

### III. CONCLUSION

The General Counsel's Complaint fails to allege any facts relating to Safirowski that are pertinent for this dispute. The Complaint, as written, does not allege any protected activity by Safirowski, nor any facts relating to Safirowski's relationship to ONE Health Ohio, nor that Safirowski is entitled to any relief. The Complaint, as pleaded, does not meet the minimum pleading requirements as to Safirowski, and, as a result, it is impossible for ONE Health Ohio to prepare a defense as to Safirowski's charge. As such, the Complaint fails to state a claim concerning Safirowski and should be dismissed as to her charge.

Respectfully submitted,

/s/ Richard L. Hilbrich

Christopher B. Congeni (#0078160)

Matthew R. Duncan (#0076420)

Richard L. Hilbrich (#0092143)

**BRENNAN, MANNA & DIAMOND, LLC**

75 East Market Street

Akron, OH 44308

Phone: (330) 253-5060

Fax: (330) 253-1977

Email: cbcongeni@bmdllc.com

Email: mrduncan@bmdllc.com

Email: rhilbrich@bmdllc.com

*Counsel for Respondent Ohio North East Health  
Systems, Inc., d/b/a ONE Health Ohio*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of December, 2019, a copy of the foregoing *Partial Motion to Dismiss* was filed electronically through the Agency's website and was sent to the following by certified mail and/or electronic mail in accordance with Section 102.5 of the Board's rules and regulations:

Iva Choe, Esq.  
Acting Regional Director  
NLRB, Region 8  
1240 East Ninth Street, Suite 1695  
Cleveland, OH 44199

Noah Fowle, Esq.  
Field Attorney  
NLRB, Region 8  
1240 East Ninth Street, Suite 1695  
Cleveland, OH 44199

/s/ Richard L. Hilbrich  
\_\_\_\_\_ *Counsel for Respondent*

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**SECOND AMENDED CHARGE AGAINST EMPLOYER**

## INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-233980	6/24/19

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer OHIO NORTH EAST HEALTH SYSTEMS, INC., d/b/a ONE HEALTH OHIO		b. Tel. No. (330)747-9551
		c. Cell No.
d. Address (street, city, state ZIP code) 726 Wick Ave, Youngstown, OH 44505-2827	e. Employer Representative Mark Haddle Chief Security and Compliance Officer	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Warren, OH
i. Type of Establishment (factory, nursing home, hotel) health clinic	j. Principal Product or Service health care	k. Number of workers at dispute location 100

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the 10(b) period, the Employer through its supervisors, managers, and/or agents has interfered with, restrained, and/or coerced employees in the exercise of the rights guaranteed in Section 7, and is interfering, restraining, and/or coercing them through the following acts: (1) On or about December 10, 2018, the Employer's supervisor and/or agent Teri Stiner made unlawfully coercive statements to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity; (2) Around December 12, 2018, the Employer's supervisors and/or agents Teri Stiner and/or Candi Woodyard made an unlawfully coercive statement to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity; (3) On or about December 2018, on multiple occasions, the Employer's supervisor and/or agent Teri Stiner made unlawfully coercive statements to employees interfering with, discouraging, and prohibiting employees' Section 7 rights to engage in protected concerted activity.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Patricia Safirowski

4a. Address (street and number, city, state, and ZIP code)  
837 Homewood Ave SE, Warren, OH 44484-42264b. Tel. No.  
(904) 239-8139

4c. Cell No.

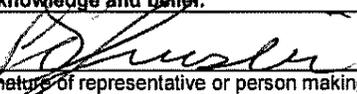
4d. Fax No.

4e. e-Mail  
psafirowski@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.  
(904) 239-8139By:   
(signature of representative or person making charge)Patricia Safirowski  
Print Name and Title

Office, if any, Cell No.

Address: 837 Homewood Ave SE, Warren,  
OH 44484-4226

Date:

Fax No.

e-Mail  
psafirowski@gmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully



LISTEN. SOLVE. EMPOWER.

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Richard L. Hilbrich  
Attorney  
P: 330.253.4766  
F: 330.253.4788  
E: [rhilbrich@bmdllc.com](mailto:rhilbrich@bmdllc.com)

**VIA ELECTRONIC MAIL AND REGULAR U.S. MAIL**

Iva Choe  
Acting Regional Director  
National Labor Relations Board  
Region 08  
1240 E. 9th Street  
Cleveland, OH 44199-2086  
[Iva.choe@nrlrb.gov](mailto:Iva.choe@nrlrb.gov)

**Re: *Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio and Amanda DeLay, Case No. 08-CA-230542***  
***Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio and Echo Seidler, Case No. 08-CA-233980***  
***Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio and Patricia Safirowski, Case No. 08-CA-235295***  
***Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio and Charlotte Traenkle, Case No. 08-CA-236795***

Dear Ms. Choe:

Please accept this letter as a request from Ohio North East Health Systems, Inc. d/b/a ONE Health Ohio (“Respondent”) to extend the hearing date in the above-captioned matter.

Until the telephonic conference with Judge Andrew Gollin on Tuesday, November 5, 2019, the undersigned operated under the belief that the purpose of the December 2, 2019, hearing date was to conduct a review of the documents the General Counsel requested in its subpoena, issued on November 4.

During the conference on November 5, Judge Gollin informed counsel that the hearing in this matter is scheduled to occur on all five (5) days during the week beginning on December 2. The undersigned, as counsel for Respondent, the corporate representatives for Respondent, and the Respondent-affiliated witnesses subpoenaed by the General Counsel, are not available that week, due to previously scheduled commitments, both inside and outside of the State of Ohio. For this reason, Respondent respectfully requests that this hearing be rescheduled for a mutually available time. *See* 29 C.F.R. § 102.16; *see also Carriage Inn of Steubenville*, 309 NLRB 383 (1992) (affirming the Regional Director’s authority to reschedule the hearing more than 21 days

prior to the scheduled hearing). Respondent submits that it, as well as undersigned counsel, are available during the weeks beginning on Monday, January 13, 2020, and Monday January 20, 2020.

Respondent also represents that it has contacted each of the charging parties, to inform them of this request and to inquire as to their availability for an alternate hearing date, with the exception of Ms. Safirowki, with whom Respondent was unable to leave a message. As of the writing of this letter, Respondent has not received any objections to this request.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in blue ink that reads "Richard L. Hilbrich". The signature is written in a cursive style.

Richard L. Hilbrich

cc: Christopher B. Congeni, Esq. (cbcongeni@bmdllc.com)  
Noah Fowle, Esq. (noah.fowle@nlrb.gov)  
Catherine Modic, Esq. (Catherine.modic@nlrb.gov)  
Amanda DeLay (amdughes@gmail.com)  
Patricia Safirowski (psafirowski@gmail.com)  
Echo Seidler (echokcs22@att.net)  
Charlotte Traenkle (charlottetraenkle@yahoo.com)

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-230542**

**AMANDA DELAY, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-233980**

**ECHO SEIDLER, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-235295**

**PATRICIA SAFIROWSKI, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-236795**

**CHARLOTTE TRAENKLE, an Individual**

**ORDER RESCHEDULING HEARING**

**IT IS HEREBY ORDERED** that the hearing in the above-entitled matter is rescheduled from the 2<sup>nd</sup> day of December 2019 to the 13<sup>th</sup> day of January 2020, at 1:00 p.m., in a hearing

room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio. The hearing will continue on consecutive days until concluded.

Dated at Cleveland, Ohio this 8<sup>th</sup> day of November 2019.

A handwritten signature in black ink, appearing to read 'Iva Y. Choe', with a long horizontal flourish extending to the right.

---

IVA Y. CHOE  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 08  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-230542**

**AMANDA DELAY, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-233980**

**ECHO SEIDLER, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-235295**

**PATRICIA SAFIROWSKI, an Individual**

---

**OHIO NORTH EAST HEALTH SYSTEMS, INC.,  
d/b/a ONE HEALTH OHIO**

**and**

**CASE 08-CA-236795**

**CHARLOTTE TRAENKLE, an Individual**

**AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING (fr. 12/3/19)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **November 8, 2019**, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

Mark Haddle, Chief Security and  
Compliance Officer  
Ohio Northeast Health Systems, Inc d/b/a One  
Health Ohio  
726 Wick Avenue  
Youngstown, OH 44505

Christopher B. Cogeni  
BRENNAN, MANNA & DIAMOND  
75 E. Market St.  
Akron, OH 44308

Charlotte Traenkle  
24 E Kline St  
Girard, OH 44420

Shawn A Romer Esq.  
Romer Law Firm, LLC  
2012 W 25th St, Suite 716  
Cleveland, OH 44113

Amanda DeLay  
2946 Woodlawn St  
Girard, OH 44420-2866

Richard L. Hilbrich  
Brennan, Manna & Diamond  
75 E Market Street  
Akron, OH 44308

Echo Seidler  
304 East Wilson Avenue  
Girard, OH 44420

Patricia Safirowski  
837 Homewood Ave SE  
Warren, OH 44484-4226

November 8, 2019

Sharon Zilinkas  
Designated Agent of NLRB

---

Date

---

Name

/s/ Sharon Zilinkas

---

Signature