



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

January 28, 2020

[REDACTED]

Re: Workers United New York New Jersey
Joint Board (Lombardi Design &
Manufacturing)
Case 29-CB-252789

Dear [REDACTED]

Your appeal from the Acting Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

A union breaches its duty of fair representation, and thereby violates Section 8(b)(1)(A) of the National Labor Relations Act, by engaging in conduct concerning a bargaining unit employee that is arbitrary, discriminatory, or in bad faith. See *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). The Region's investigation established that the Union duly considered the circumstances and facts surrounding your termination. The evidence demonstrates that following its analysis of your termination, the Union, in good faith, determined not to pursue a grievance on your behalf. Further, the evidence demonstrates that the Union communicated to you its decision not to pursue a grievance on your behalf. Under the circumstances, the evidence does not support that the Union's decision was arbitrary or motivated by bad faith considerations under the Act.

Accordingly, further proceedings herein were deemed unwarranted.

Sincerely,

Peter Barr Robb
General Counsel


A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By: _____


Mark E. Arbesfeld, Director
Office of Appeals

cc: KATHY DREW-KING
REGIONAL DIRECTOR
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