



United States Government

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Re: Wismettac Asian Foods, Inc.
Case 21-RC-204759

Dear Counsels:

On August 30, 2019, Administrative Law Judge Eleanor Laws issued a Decision and Report on Challenges and Objections in the subject case. Judge Law found, among other things, that the Employer successfully challenged the ballots of John Kirby, Jose Rosas, Cheryl Johnston, Suguru Onaka, Mamuru Tagai, and Joseph Napoli. She recommended that their ballots be opened and counted. Judge Law further found that the Union successfully challenged the ballots of all other challenged ballot employees, and thus recommended that their ballots not be counted. Additionally, Judge Laws found that the Employer's conduct as alleged in Union objections 2,3,4,5,7,9, and 11 was objectionable and tended to interfere with the election. She overruled the Employer's objections. Judge Laws recommended that the Employer's objectionable conduct warrants the setting aside of the election if the Union does not receive the majority of the votes cast.

Subsequent to the judge's decision and report, the Employer filed exceptions to the representation case findings and recommendations. On November 22, 2019, the Board granted Counsel for the General Counsel's Motion to Sever the representation case from the unfair labor practice cases. Accordingly, Case 21-RC-204759 was severed from Cases 21-CA-207463, 21-CA-208128, 21-CA-209337, 21-CA-213978, 21-CA-219513, and 21-CA-212285. Under Section 102.69(c)(1)(iii) of the Board's Rules and Regulations, exceptions to a hearing officer's report must be filed with, and considered by, the Regional Director. Once the Regional Director issues a report, a party may file a request for review with the Board in Washington, D.C.

Accordingly, Case 21-RC-204759 is remanded to the Regional Director for Region 21 for a report on the Employer's exceptions. The Regional Director will set forth the time for oppositions to the Employer's exceptions to be filed with the Region.

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties