



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 29  
Two Metro Tech Center  
Suite 5100  
Brooklyn, NY 11201-3838

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (718)330-7713  
Fax: (718)330-7579

February 28, 2020

[REDACTED]

Re: United States Postal Service  
Case 29-CA-255254

[REDACTED]

We have carefully investigated and considered your charge that the United States Postal Service, herein called the Employer, has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

With regard to the allegation in your charge that on or about January 25, 2020, the Employer violated Cherry McFarlane's *Weingarten* rights, in violation of Section 8(a)(1) of the Act, the evidence obtained during the investigation was insufficient to establish a violation of the Act.

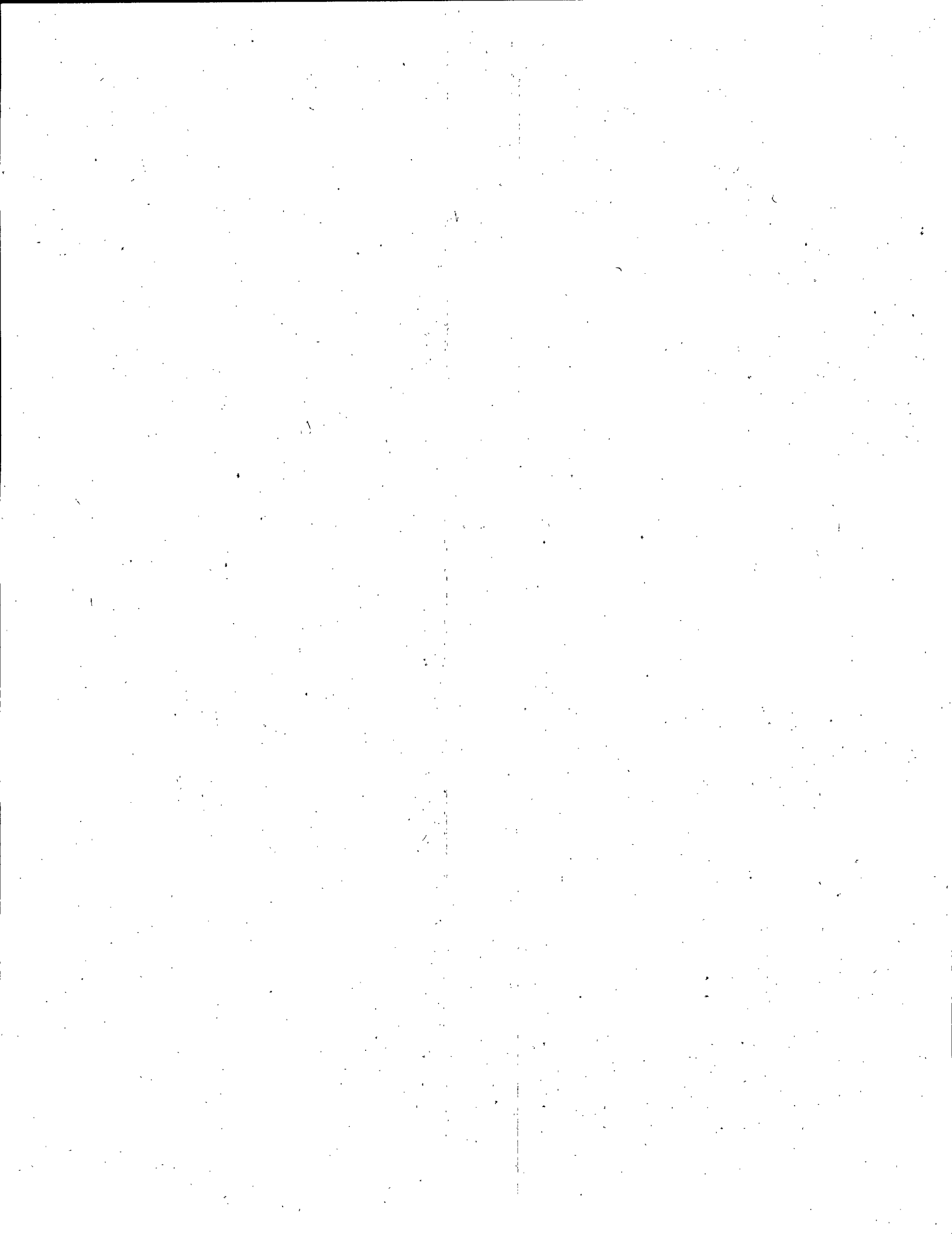
Regarding the allegation in your charge that during the past six months, the Employer has failed and refused to bargain in good faith with the Union by refusing to timely provide and/or unreasonably delaying in providing you with relevant and necessary information requested by the Union, the investigation revealed that grievances were filed on this matter and the parties reached settlements on the grievances. In accordance with the Board's decision in *Alpha Beta Co.*, 273 NLRB 1546 (1985), I am deferring to the parties' grievance settlements.

Finally, you allege that the Employer denied you a request for union time under the contract. This claim may be a violation of the parties' collective bargaining agreement but it does not rise to a violation of Section 8(a)(5) of the Act.

Accordingly, for the reasons stated above, and where the evidence failed to establish that the Employer violated the Act in any other manner encompassed by your charge, I am dismissing this charge.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available



**at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@NLRB.gov).**

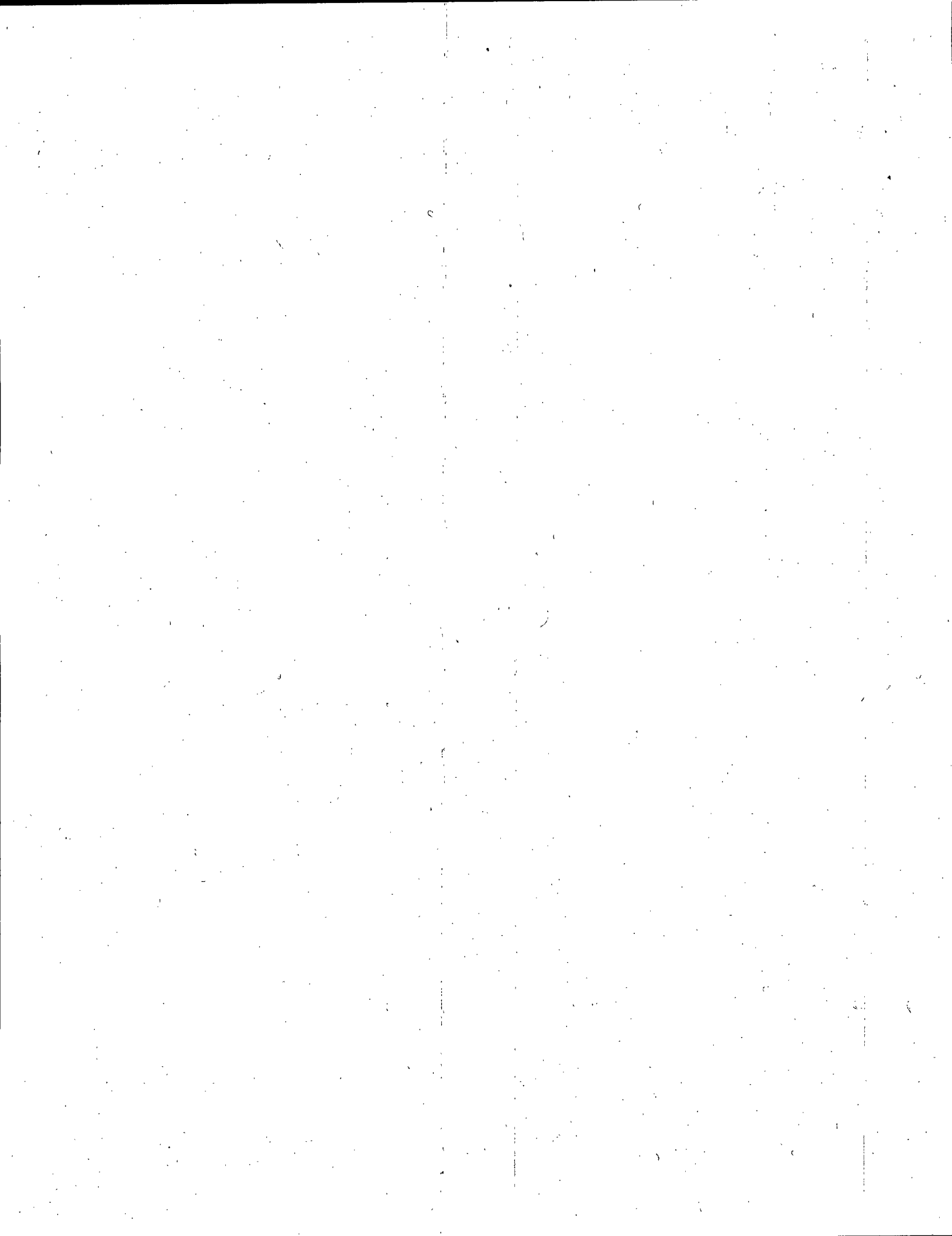
You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations 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 **March 13, 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 March 12, 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.

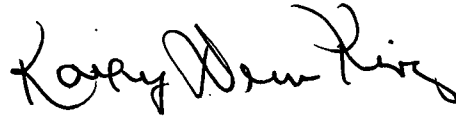
**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 13, 2020**. The request may be filed electronically through the ***E-File Documents*** link on our website [www.nlr.gov](http://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 March 13, 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.

Very truly yours,

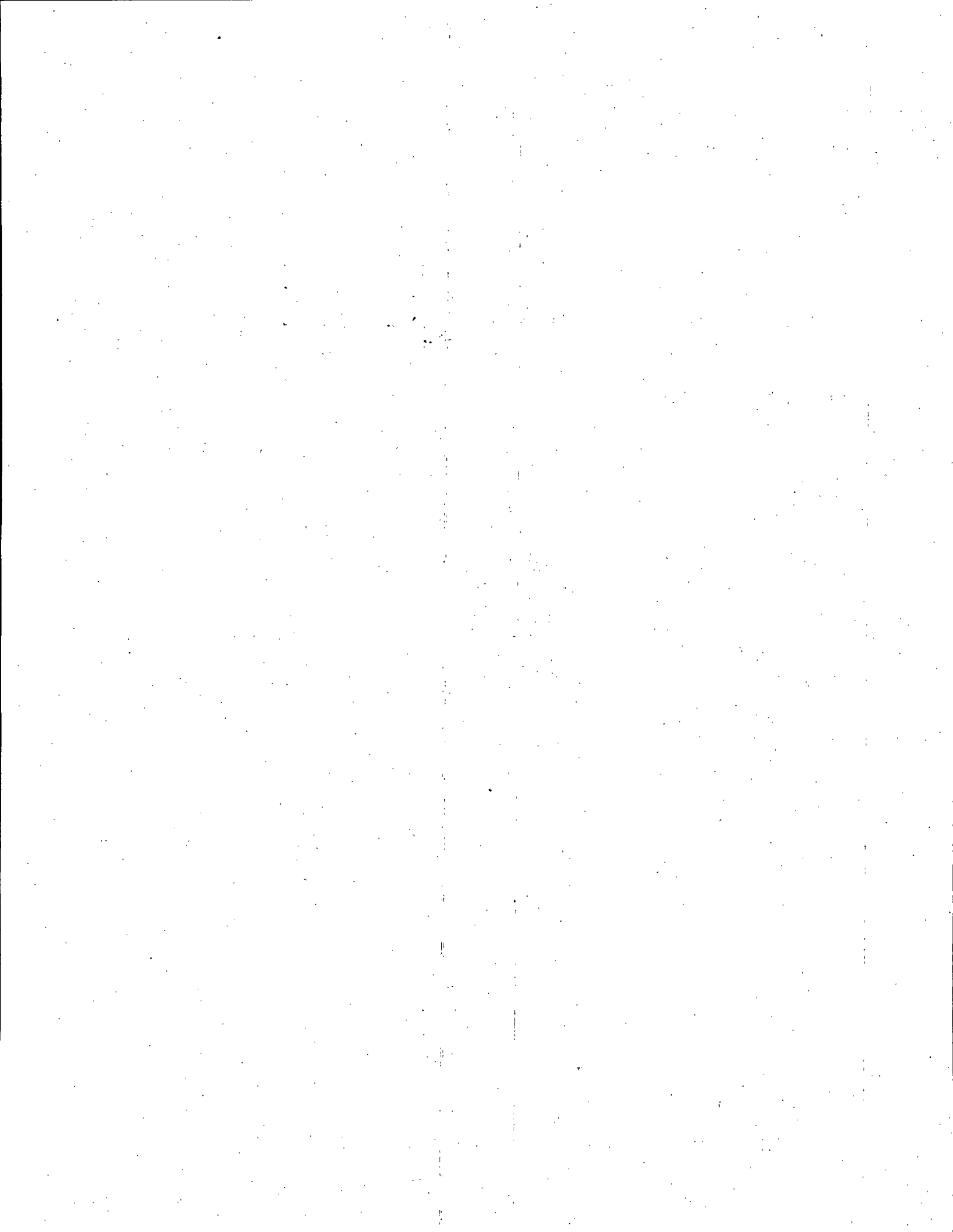


KATHY DREW-KING  
Regional Director

Enclosure

cc: Manny Lizardo, Manager  
United States Postal Service  
1915 Fulton Street  
Brooklyn, NY 11233

Tonya L. Kennish, NLRB Specialist  
United States Postal Service Law  
Department's NLRB Unit  
Law Dept - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948



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

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Case Name(s).

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

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*(Signature)*



