



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

March 24, 2020

[REDACTED]

Re: ABF Freight
Case 13-CA-252760

Dear [REDACTED]:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of February 4, 2020.

The Regional Office investigation failed to establish that the Employer violated the National Labor Relations Act. The investigation disclosed that the Union processed your grievance through the parties' grievance arbitration procedures and an arbitrator [REDACTED] in your favor. You assert that the Employer is not following the terms of the [REDACTED]. However, this matter does not fall within the Board's jurisdiction because this Agency does not have the authority to enforce [REDACTED]. In *Malrite of Wisconsin*, 198 NLRB 241, 242 (1972), the Board stated: "It appears that the desirable objective of encouraging the voluntary settlement of labor disputes through the arbitration process will best be served by requiring that parties to a dispute, after electing to resort to arbitration, proceed to the usual conclusion of that process -- judicial enforcement -- rather than permitting them to invoke the intervention of the Board." Thus, we cannot review your allegation that the Employer failed to comply with the [REDACTED].

Accordingly, the appeal is denied, and this case is closed.

Sincerely,

Peter Barr Robb
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: PETER SUNG OHR,
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
DIRKSEN FEDERAL BUILDING
219 S DEARBORN ST STE 808
CHICAGO, IL 60604-2027


ABF FREIGHT
1900 E LINCOLN HWY
SAUK VILLAGE, IL 60411

cl