



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

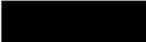
REGION 4
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April 7, 2020



Re: Grocery Haulers
Case 04-RD-251241

Dear 

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

Decision to Dismiss: As a result of the investigation, I find that further proceedings are unwarranted. On October 3, 2016, Teamsters Local 773 (the Union) was certified as the exclusive collective-bargaining representative of all full-time and regular part-time transport drivers employed by Grocery Haulers, Inc. (the Employer) at its 150 Boulder Drive, Breinigsville, Pennsylvania location. On November 6, 2019, the subject decertification petition was timely filed. On November 19, 2019, the parties were notified that the petition would be held in abeyance pending the investigation of the unfair labor practice charges in Cases 04-CA-247029, 04-CA-251518, 04-CA-251523 and 04-CA-251543, which were filed by the Union. Pursuant to a non-Board resolution between the Employer and the Union, the Union requested to withdraw those charges, and on March 17, 2020, I approved that withdrawal request. During the course of the investigation of those charges, and in the non-Board settlement resolving those charges, it was disclosed that the Employer will permanently cease driver operations at its Breinigsville, Pennsylvania facility by April 30, 2020.

In light of the imminent closure of the facility, I have determined that the petition should be, and hereby is, dismissed. *Davey McKee Corp.*, 308 NLRB 839 (1992) See also *Hughes Aircraft Company*, 308 NLRB 82, 83 (1992). The petition is subject to reinstatement upon good cause shown.

Right to Request Review: Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC

20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5:00 p.m. Eastern Time**) on **April 21, 2020**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on April 21, 2020**.

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review 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, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement

that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,



RICHARD P. HELLER
Acting Regional Director

cc: Office of the Executive Secretary (by e-mail)

