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April 17, 2020

BY E-FILING

Roxanne L. Rothschild, Esq.
Executive Secretary
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Re: MHN Government Services, LLC
Case No. 19-RC-242915
(Complaint to NLRB Inspector General)

Dear Ms. Rothschild:

We represent MHN Government Services, LLC ("MHNGS" or the "Employer") in the matter identified above, which is currently pending before the Board on the Employer's April 6, 2020 Request for Review of the Regional Director's Decision Affirming the Hearing Officer's Report on Objections.

As discussed in our brief in support of review, there is reasonable cause to believe that the Board agent who conducted the election on June 28, 2019, and who testified at the December 19 hearing concerning his election-related misconduct pursuant to Section 102.118 of the Board's Rules and Regulations, may have perjured himself as to material issues in the case. On review, we have asked the Board to (i) strike his testimony should it conclude that he testified falsely, and (ii) make a referral to the Office of the Inspector General ("OIG") for an investigation of his conduct. (*See* Request for Review at p. 22.)

This is to advise that on Monday, April 13, we contacted the OIG to relay our concerns with the Board agent's testimony and other conduct in this matter. A written complaint was filed on April 15. That complaint is presently under consideration. In it we allege, as we showed in our Request for Review, that the Board agent misrepresented, among other things, the date when he wrote his so-called "notes on election," which were the basis for his testimony at the objections hearing. Both the Hearing Officer and Regional Director (who affirmed the Hearing Officer's findings and conclusions) relied, at least in part, on the existence of those notes (Regional Director's Representative Exh. 1 ("R-")), and their consistency with the Board agent's testimony, to support their respective rulings that the Employer's objections did not warrant a second election.

The Board agent testified that R-1 was written no more than a week or so after the Employer's objections to the election were filed. However, there is more than ample basis in the record to conclude that the agent's "notes" were most likely prepared at a much later point in time, well after he learned of the objections, *i.e.*, following the Board's December 3 Order granting our initial Request for Review in this case and remanding the matter to the Regional Office for a hearing on the objections, a hearing that should have been held months earlier.

Because the complaint filed with the OIG could result in an investigation that may lead to a finding that the Board agent lied concerning material issues, which could in turn affect consideration of the issues raised in the Employer's Request for Review, we ask that the Board stay its action in the representation case, until the OIG has had an opportunity to consider and act on our complaint, unless it is prepared to grant review and reverse the Regional Director on the record made thus far. To proceed before the OIG has concluded its work would be premature and potentially prejudicial to the interests of MHNGS, the employees involved and the public at large, and could require a reopening of the case to introduce critical evidence that comes out of any investigation that may be conducted by the OIG, which evidence was previously unavailable.

Neither the Hearing Officer nor the Regional Director gave these important issues the attention that they so clearly deserved, leaving us with no reasonable alternative but to turn to the Inspector General and request that he intervene in the matter. We recognize the seriousness of our allegations and did not make a referral to OIG lightly.

Please let me know if you need any further information from us to process this request. Thank you very much.

Respectfully submitted,

Proskauer Rose LLP

By: Peter D. Conrad

Peter D. Conrad
Attorney for MHN Government Services

cc: Valerie Hardy-Mahoney, Esq., Regional Director (NLRB Region 32)
Richard C. Fiol, Esq., Regional Director's Representative (NLRB Region 19)
David W.M. Fujimoto, Esq., Counsel for IAM
James Tatum, Jr., Esq., Counsel to the Inspector General and
Assistant Inspector General for Investigations