

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

GENERAL MOTORS LLC

and

**Cases 14-CA-197985
14-CA-208242**

CHARLES ROBINSON, an Individual

**MOTION OF COUNSEL FOR THE GENERAL COUNSEL
TO REMAND PROCEEDINGS TO REGION 14**

Now comes Lauren Fletcher, Counsel for the General Counsel in the above-referenced matter, and pursuant to Section 102.24 of the Rules and Regulation of the National Labor Relations Board (Board), Series 8, as amended, files this Motion to Remand Proceedings and, in support thereof, states as follows:

1. On July 21, 2020, the Board issued a *Decision and Order* in which it overturned *Atlantic Steel*, 245 NLRB 814 (1979), and remanded the case to Administrative Law Judge Dawson “to analyze and decide, under *Wright Line*, whether the General Counsel has made an initial showing that (1) the Charging Party engaged in Section 7 activity, (2) Respondent was aware of that activity, and (3) Respondent had animus against the Section 7 activity, sufficient enough to establish a causal relationship between the discipline and the Section 7 activity.”

2. On August 28, 2020, ALJ Dawson held a telephone conference to discuss the status of the case and whether a supplemental hearing is necessary. Counsel for the General Counsel told ALJ Dawson that it was engaged in an investigation to gather information and analyze whether the evidence established a *prima facie* case under *Wright Line*, 251 NLRB 1083 (1980), and

whether Respondent could establish a defense under the *Wright Line* standard consistent with the Board's remand.

3. On October 14, 2020, ALJ Dawson issued an *Order Scheduling Supplemental Virtual (ZOOM) Hearing on November 17, 2020*.

4. The Region has completed its investigation and determined that the evidence is insufficient to establish a *prima facie* case that Charging Party was disciplined because of his union activity under *Wright Line*. Further, the Region determined that Respondent has fulfilled its *Wright Line* burden to establish that it would have disciplined Charging Party regardless of his union activity.

5. Counsel for General Counsel has contacted the other parties. Charging Party opposes this *Motion*. Respondent does not oppose this *Motion*.

For the foregoing reasons, Counsel for the General Counsel respectfully requests that the November 17, 2020 hearing be cancelled and these cases be remanded to the Acting Regional Director of Region 14 to withdraw the Consolidated Complaint and to take actions consistent with the Region's determination.

Dated at Overland Park, Kansas, this 21st day of October, 2020.

Respectfully submitted,

/s/ Lauren Fletcher

Lauren Fletcher, Counsel for the General Counsel
National Labor Relations Board
Subregion 17
8600 Farley Street, Ste. 100
Overland Park, KS 66212