



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 07
477 Michigan Avenue, Room 300
Detroit, MI 48226-2543

Agency Website: www.nlr.gov
Telephone: (313) 226-3200
Fax: (313) 226-2090

September 30, 2013

Andrea Edmond
12650 Dunn Road
Riley, MI 48041

Re: /

Dear Ms. Edmond:

We have carefully investigated and considered your charge that 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.

On about June 11, 2013, the Employer discharged you, assertedly for excessive absenteeism. You allege that you were discharged in retaliation for your union organizing activities.

The investigation established that on June 18, 2013, Michigan Council 25, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, (Union) filed a petition to represent certain employees employed by the Employer and that you participated in organizing activities. It is undisputed that you were absent from work on at least six occasions during the 12-month period preceding your discharge.

The investigation established that the Employer maintains a no-fault attendance policy that provides for automatic discharge after the accumulation of six absences in a 12-month period. The investigation further established that since January 2, 2013, the Employer discharged at least eight other employees for attendance violations. Insufficient evidence was presented to establish that since about January 2, 2013, the Employer allowed any of its employees to accumulate more than six absences without being discharged.

Based on the above, it could not be established that the Employer discharged you for reasons other than normal enforcement of its attendance policy.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged

to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **October 15, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **October 14, 2013**.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before October 15, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should 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,

Terry Morgan
Regional Director