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Description of document: Freedom of Information Act (FOIA) Requests to the National Labor Relations Board (NLRB) from the National Right to Work Committee/National Right to Work Legal Defense Foundation, 2016-2020

Requested date: 16-February-2021

Release date: 02-April-2021

Posted date: 03-May-2021

Source of document: FOIA Officer
NLRB FOIA Branch
1015 Half Street SE
4th Floor
Washington, DC 20570
Fax: (202) 273-FOIA (3642)
[FOIAonline](#) (preferred)

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

April 2, 2021

Re: FOIA Case NLRB-2021-000488

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on February 16, 2021, in which you seek a copy of the "Letter of Request" and the "Response Letter," but not the underlying processed records for each of these closed FOIA requests: NLRB-2020-000721, NLRB-2020-000071, NLRB-2019-001224, NLRB-2019-001016, NLRB-2019-000761, NLRB-2019-000254, NLRB-2018-000944, NLRB-2018-000919, NLRB-2018-000844, NLRB-2018-000618, NLRB-2018-000557, NLRB-2017-002049, NLRB-2017-000591, NLRB-2017-000571, NLRB-2016-001872, NLRB-2016-001305, NLRB-2016-001137, NLRB-2016-000469, NLRB-2016-000437, and NLRB-2016-000495. You also requested a copy of the Appeal Letter and Appeal response, but not the underlying records for, FOIA request NLRB-OIG-2018-000619. Finally, you requested a copy of the request filed in FOIA request NLRB-2021-000463. You assumed financial responsibility for the processing of your request in the amount of \$100.00.

We acknowledged your request on February 15, 2021.

Searches of FOIAonline for the requested FOIA requests and appeal have been conducted. The search for the FOIA requests has yielded 96 pages of responsive, releasable records, which are attached. Regarding FOIA Case Nos. NLRB-2016-000495 and NLRB-2019-001224, we have provided only the copies of the requests. There are no final letters in these requests because these requests were withdrawn. The search for the appeal and appeal response for NLRB-OIG-2018-000619 yielded no responsive records since there was no appeal of this request.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA

April 2, 2021

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(5 U.S.C. § 552(b)(6) and (b)(7)(C)). These records are being provided to you either in their entirety or partially redacted to the extent they were found to be reasonably segregable from the exempt portions of the responsive records.

Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category D, the “all other requesters” category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records

April 2, 2021

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Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (96 pages)

NLRB-2020-000721 Request Details

Clock Days: 16

Case Phase: Closed Case Status: Closed Due Date: 05/21/2020

Requester Information

Requester	Glenn M. Taubman
Organization	NRTWLDF
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	NRTWLDF 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2020-000721
Submitted Date	04/23/2020
Received Date	04/23/2020
Perfected Date	04/23/2020
Last Assigned Date	05/14/2020
Assigned To	Stephanie F. Ostrowski (National Labor Relations Board (NLRB))
Last Assigned By	Theresa Westover (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	04/23/2020
Acknowledgement Sent Date	04/23/2020
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

464/2000

Please send me the original unfair labor practice charge and the service list used to contact parties in SAG-AFTRA, 02-CB-242132. Do NOT redact any of this, as the case has proceeded past the ALJ level, and even under the current General Counsel guidelines all information is now public and the charging party's name and address should not be redacted. Since this request encompasses only a few documents, please e-mail them to me at gmt@nrtw.org Thank you.

✔ **Has Description Been Modified**

95/2000

The charge and the service list used to contact parties in SAG-AFTRA, Case Number 02-CB-242132.

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 15, 2020

Glenn Taubman
NRTWLDF
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2020-000721

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this office on April 23, 2020, in which you seek the charge and the service list used to contact parties in *SAG-AFTRA*, Case Number 02-CB-242132.

We acknowledged your request on April 23, 2020.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has yielded two pages of responsive, releasable records from the requested case file, which are attached. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

Glenn Taubman
May 15, 2020
Page 2

To pay by check or money order (do not send cash), please send your payment - with the FOIA case number(s) written on the check or money order - and mail it to the NLRB FOIA Branch, 1015 Half Street SE, 4th Floor, Washington, DC 20570. Please make the check payable to the National Labor Relations Board. To pay by credit or debit card, please go to www.pay.gov. **Please note the FOIA case number(s) on your check or electronic payment to ensure that your payment will be properly credited.

You may contact Stephanie Ostrowski, the Attorney-Advisor who processed your request, at (202) 501-8648 or by email at stephanie.ostrowski@nlrb.gov, as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Glenn Taubman
May 15, 2020
Page 3

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nllrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (two pages)

NLRB-2020-000071 Request Details

Clock Days: 22 Backlogged

Case Phase: Closed Case Status: Closed Due Date: 11/21/2019

Requester Information

Requester	Glenn M. Taubman
Organization	National Right to Work Legal Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	National Right to Work Legal Foundation 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2020-000071
Submitted Date	10/23/2019
Received Date	10/23/2019
Perfected Date	10/23/2019
Last Assigned Date	10/23/2019
Assigned To	Patrick Plummer (National Labor Relations Board (NLRB))
Last Assigned By	Patricia Weth (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$50.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	Yes
Expedited Processing Status	Deny
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	10/23/2019
Acknowledgement Sent Date	10/23/2019
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

362/2000

Please send me a copy of the original petitions filed in American Water MSG, 14-RD-245062 and 14-RM-246212, and the service list for both of these case numbers. Do NOT redact any contact information, as the Board has granted a Request for Review in these cases on 10/22/19 and the contact information should now be open to the public, even under GC Memo 15-07.

✓ Has Description Been Modified

119/2000

A copy of the original petitions and the service list in American Water MSG, Case Nos. 14-RD-245062 and 14-RM-246212.

Description Available to the Public

No



Short Description

Attached Supporting Files

Attachments Available to the Public

No



Attached File Name

Size (MB)

File Type

Remove

No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

November 25, 2019

Glenn M. Taubman
National Right to Work Legal Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2020-000071

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on October 23, 2019, in which you seek a copy of "the original petitions" and "the service list" in *American Water MSG*, Case Nos. 14-RD-245062 and 14-RM-246212. You agreed to assume financial responsibility for the processing of your request in the amount of \$50.00.

We acknowledged your request on October 23, 2019.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has yielded four pages of responsive, releasable records from the requested case file, which are attached. After a review of these responsive records, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). These records are being provided to you either in their entirety or partially redacted to the extent they were found to be reasonably segregable from the exempt portions of the responsive records. Other records are being withheld in their entirety pursuant to FOIA Exemptions 5, 6, and 7(C) (5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C)). Your request is, therefore, granted in part and denied in part, as explained more fully below.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the

full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Thirty minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$18.50.

To pay by check or money order (do not send cash), please send your payment - with the FOIA case number(s) written on the check or money order - and mail it to the NLRB FOIA Branch, 1015 Half Street SE, 4th Floor, Washington, DC 20570. Please make the check payable to the National Labor Relations Board. To pay by credit or debit card, please go to www.pay.gov. **Please note the FOIA case number(s) on your check or electronic payment to ensure that your payment will be properly credited.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at patrick.plummer@nrlb.gov, as well as the Agency’s FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency’s FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770

Glenn M. Taubman
November 25, 2019
Page 3

Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (Four pages)

NLRB-2019-001224 Request Details

Clock Days: 2

Case Phase: Closed Case Status: Closed Due Date: 09/18/2019

Requester Information

Requester	Glenn M Taubman
Organization	National Right to Work Legal Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	National Right to Work 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2019-001224
Submitted Date	08/20/2019
Received Date	08/20/2019
Perfected Date	08/20/2019
Last Assigned Date	08/20/2019
Assigned To	Jodilyn Breirather (National Labor Relations Board (NLRB))
Last Assigned By	Ms. Synta E Keeling (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	08/20/2019
Acknowledgement Sent Date	08/20/2019
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

218/2000

I seek the following in National Football League, Case No. 13-UC-246227:
The original UC petition that was filed; any orders Region 13 has issued in this case; and the service list of parties and counsel to be served.

Has Description Been Modified

Description Available to the Public

Yes

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.

NLRB-2019-001016 Request Details

Clock Days: 0

Case Phase: Closed **Case Status:** Closed **Due Date:** 07/29/2019

Requester Information

Requester	Glenn M. Taubman
Organization	National Right to Work Legal Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	c/o National Right to Work Leg 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2019-001016
Submitted Date	06/25/2019
Received Date	06/25/2019
Perfected Date	06/28/2019
Last Assigned Date	06/25/2019
Assigned To	Tim Bearese (National Labor Relations Board (NLRB))
Last Assigned By	Theresa Westover (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	06/28/2019
Acknowledgement Sent Date	06/25/2019
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

133/2000

I want the original ULP charge and the Region's service list -- both non-redacted -- in Alle Products dba Meal Mart, 29-CA-213963.

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 28, 2019

Glenn M. Taubman
National Right to Work Legal Foundation
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2019-001016

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on June 25, 2019, in which you seek a copy of "the original ULP charge and the Region's service list" in *Alle Products dba Meal Mart*, Case No. 29-CA-213963. You agreed to assume financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on June 25, 2019.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has yielded three pages of responsive, releasable records from the requested case file, which are attached. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

Glenn M. Taubman

June 28, 2019

Page 2

To pay by check or money order (do not send cash), please send your payment - with the FOIA case number(s) written on the check or money order - and mail it to the NLRB FOIA Branch, 1015 Half Street SE, 4th Floor, Washington, DC 20570. Please make the check payable to the National Labor Relations Board. To pay by credit or debit card, please go to www.pay.gov. **Please note the FOIA case number(s) on your check or electronic payment to ensure that your payment will be properly credited.

You may contact Timothy Bearese, the Attorney-Advisor who processed your request, at (202) 273-3752 or by email at timothy.bearese@nrlb.gov, as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
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Email: FOIAPublicLiaison@nrlb.gov
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Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

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National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:

Glenn M. Taubman

June 28, 2019

Page 3

<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nllrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (three pages)

NLRB-2019-000761 Request Details

Clock Days: 0

Case Phase: Closed Case Status: Closed Due Date: 05/22/2019

Requester Information

Requester	Mr. Frank D Garrison
Organization	National Right to Work Legal Defense Foundation
Requester Has Account	No
Email Address	fdg@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	8001 Braddock Road Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2019-000761
Submitted Date	04/23/2019
Received Date	04/23/2019
Perfected Date	04/24/2019
Last Assigned Date	04/24/2019
Assigned To	Ed Hughes (National Labor Relations Board (NLRB))
Last Assigned By	Ms. Synta E Keeling (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	Yes
Expedited Processing Status	Deny
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	04/24/2019
Acknowledgement Sent Date	04/24/2019
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

96/2000

Stipulated agreement signed by the Employer and Union in USF Holland, LLC, Case No. 18-RC-212632

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

April 24, 2019

Frank D. Garrison
National Right to Work
Legal Foundation
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2019-000761

Dear Mr. Garrison:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on April 24, 2019, in which you seek a copy of the Stipulated Election Agreement in *USF Holland*, Case No. 18-RC-212632. You asked that your request for this record be expedited.

We acknowledged your request on April 24, 2019. In a telephone conversation with a member of the FOIA staff on April 24, 2019, you agreed to assume fees up to \$18.50 to process your request.

I have attached the requested record, which was produced through a reasonable search of the Agency's electronic casehandling system. Your request to expedite has thus been denied as moot.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Frank D. Garrison

April 24, 2019

Page 2

Fifteen minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

To pay by check or money order (do not send cash), please send your payment - with the FOIA case number(s) written on the check or money order - and mail it to the NLRB FOIA Branch, 1015 Half Street SE, 4th Floor, Washington, DC 20570. Please make the check payable to the National Labor Relations Board. To pay by credit or debit card, please go to www.pay.gov. **Note the FOIA case number(s) on your check or electronic payment to ensure that your payment will be properly credited.

You may contact Ed Hughes, the FOIA attorney who processed your request, at (202) 273-1773 or by email at ed.hughes@nrlb.gov, as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal

Frank D. Garrison

April 24, 2019

Page 3

Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home>
or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nllrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (six pages)

NLRB-2019-000254 Request Details

Case Phase: Closed Case Status: Closed Due Date: 01/30/2019 Clock Days: 7

Requester Information

Requester	Mr. Glenn M. Taubman
Organization	National Right to Work Legal Defense Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	7033218510
Fax Number	7033219319
Address	8001 Braddock Rd. Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2019-000254
Submitted Date	12/31/2018
Received Date	12/31/2018
Perfected Date	12/31/2018
Last Assigned Date	12/31/2018
Assigned To	Ed Hughes (National Labor Relations Board (NLRB))
Last Assigned By	Denise Meiners (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$50.00

Request Handling

Requester Info Available to the Public	Yes
Request Track	Simple
Fee Category	Commercial
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA
Request Perfected	Yes
★ Perfected Date	12/31/2018
Acknowledgement Sent Date	12/31/2018
Unusual Circumstances	No
Litigation	No
5 Day Notifications	

Description

1052/2000

This FOIA request is submitted on behalf of the National Right to Work Legal Defense Foundation, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq.

Pursuant to FOIA, I hereby request a copy of the following three documents related to Warren Oil Co., LLC and Teamsters Local 667, Case Nos. 15-CA-214423 and 15-CA-224344:

- 1) the most recent Consolidated Complaint issued by the Regional Director, which I believe was issued on or about Oct. 29, 2018;
- 2) Respondent Warren Oil's Answer to that Consolidated Complaint, which I believe was filed on or about November 11, 2018; and
- 3) the Regional Director's Order rescheduling hearing, which I believe was issued on or about Dec. 13, 2018.

I agree to pay the reasonable costs of the required search and photocopying of the requested documents up to \$50. If there are any questions about this request, please do not hesitate to call me. You can feel free to e-mail these three documents to me to help expedite the process. Thank you for your prompt attention to this matter.

✓ Has Description Been Modified

505/2000

A copy of the following three documents related to Warren Oil Co., LLC and Teamsters Local 667, Case Nos. 15-CA-214423 and 15-CA-224344: 1) the most recent Consolidated Complaint issued by the Regional Director, which I believe was issued on or about Oct. 29, 2018; 2) Respondent Warren Oil's Answer to that Consolidated Complaint, which I believe was filed on or about November 11, 2018; and 3) the Regional Director's Order rescheduling hearing, which I believe was issued on or about Dec. 13, 2018.

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
No supporting files have been uploaded.			



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

January 9, 2019

Glenn M. Taubman
National Right to Work Legal Defense Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2019-000254

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on December 31, 2018, in which you request copies of the consolidated complaint, answer to the consolidated complaint, and the Regional Director's Order Rescheduling Hearing in *Warren Oil Company, LLC successor to Warren Unilube, Inc.*, Case Nos. 15-CA-214423 and 15-CA-224344. You agreed to assume fees up to \$50.00 for the processing of your request.

We acknowledged your request on December 31, 2018.

I have attached the requested records. Redactions have been made to portions of the records to protect the privacy interests of individuals named in the case file. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the

Glenn M. Taubman

January 9, 2019

Page 2

records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Thirty minutes of professional time was expended searching for and reviewing the requested material. Accordingly, please remit \$18.50.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to ensure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Ed Hughes, the FOIA attorney who processed your request, at (202) 273-1773 or by email at ed.hughes@nrlrb.gov, as well as the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448

Glenn M. Taubman

January 9, 2019

Page 3

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home>
or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely.

/s/ *Synta E. Keeling*

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (13 pages)

NLRB-2018-000944 Request Details

Clock Days: 4

Case Phase: Closed Case Status: Closed Due Date: 07/19/2018

Requester Information

Requester	Glenn M Taubman
Organization	NRTWLDF
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	
Address	NRTWLDF 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2018-000944
Submitted Date	06/20/2018
Received Date	06/20/2018
Perfected Date	06/20/2018
Last Assigned Date	06/20/2018
Assigned To	Ed Hughes (National Labor Relations Board (NLRB))
Last Assigned By	Denise Meiners (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	Yes
Expedited Processing Status	Deny
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	06/20/2018
Acknowledgement Sent Date	06/20/2018
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

440/2000

In STA of Oregon, Case No. 19-RD-220809, please send me 1) the original (and unredacted) petition filed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2) any service list used by the Region to contact the parties; and 3) the Initial Letter to Petitioner in R case (unredacted) sent by the Region to (b) (6), (b) (7)(C) on 5/24/18. Given the tiny amount of documents, please e-mail them to me at once, as this is a time sensitive matter given the Petitioner's appeal rights.

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 26, 2018

Glenn Taubman
National Right to Work
Legal Foundation
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2018-000944

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on June 20, 2018, in which you seek a copy of the decertification petition, service list, and initial letter to petitioner in *Student Transportation of America- Oregon*, Case No. 19-RD-220809. You requested expedited processing of this request, and assumed fees up to \$37.00.

We acknowledged your request on June 20, 2018. Your request for expedited processing is denied as moot.

I have attached the requested records. The records were produced through a reasonable search of the Agency's electronic casehandling system.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One quarter of an hour of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

Glenn Taubman

June 26, 2018

Page 2

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Ed Hughes, the FOIA attorney who processed your request, at (202) 273-1773, or by email at ed.hughes@nrlb.gov, as well as our Agency's FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, or by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (15 pages)

NLRB-2018-000919 Request Details

Clock Days: 1

Case Phase: Closed **Case Status:** Closed **Due Date:** 07/12/2018

Requester Information

Requester	Mr. Glenn M Taubman
Organization	NRTWLDF
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	NRTWLDF 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2018-000919
Submitted Date	06/13/2018
Received Date	06/13/2018
Perfected Date	06/13/2018
Last Assigned Date	06/13/2018
Assigned To	Teresita Sanabria (National Labor Relations Board (NLRB))
Last Assigned By	Jolynne Miller (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$37.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	Yes
Expedited Processing Status	Withdrawn by Requester
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	06/13/2018
Acknowledgement Sent Date	06/13/2018
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

363/2000

Please send me the actual RD petition filed in Premier Paratransit, Case No. 29-RD-219460; any service list showing the contact information of the Petitioner; and the Region's Initial Letter to Petitioner in an R case, dated 5/2/18. Do not redact the Petitioner's contact information. You can email me these three tiny documents to speed the process, gmt@nrtw.org

Has Description Been Modified

Description Available to the Public

No

Short Description

29-RD-219460 Petition, letter to Petitioner and Service list

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
No supporting files have been uploaded.			



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH**
Washington, D.C. 20570

Via email

June 14, 2018

Glenn M. Taubman
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2018-000919

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on June 13, 2018, in which you seek copies of the Petition, Service Sheet and initial letter to the Petitioner in *Premier Paratransit LLC*, Case No. 29-RD-219460. You agreed to assume financial responsibility for the processing of your request in the amount of \$37.00. You originally requested expedited service however it was withdrawn.

We acknowledged your request on June 13, 2018.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. I have attached the responsive records, consisting of 17 pages. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

Glenn M. Taubman
June 14, 2018
Page 2

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Teresita Sanabria, the FOIA Specialist who processed your request, at (202) 568-3531 or by email at Teresita.Sanabria@nrlb.gov, as well as our FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (17 pages)

NLRB-2018-000844 Request Details

Clock Days: 2

Case Phase: Closed Case Status: Closed Due Date: 06/20/2018

Requester Information

Requester	Glenn M Taubman
Organization	National Right to Work legal Defense Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	National Right to Work 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2018-000844
Submitted Date	05/22/2018
Received Date	05/22/2018
Perfected Date	05/22/2018
Last Assigned Date	05/22/2018
Assigned To	Marissa Wagner (National Labor Relations Board (NLRB))
Last Assigned By	Denise Meiners (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$30.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	05/22/2018
Acknowledgement Sent Date	05/22/2018
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

639/2000

This FOIA request regards USF Holland and Teamsters Local 200, NLRB Case No. 18-RC-212632 (Case page from the NLRB website is attached). I seek the Region's "letter approving withdrawal request" (apparently dated on or about 1/25/18), and any written withdrawal request submitted by the parties (or their attorneys or representatives). Such a communication requesting withdrawal of the election petition would have presumably been sent between Jan. 8, 2018 and Jan. 25, 2018). Given the tiny amount of documents, feel free to email them to me. You might also consider waiving any fees given the de minimis nature of this request.

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
NLRB Case Page for 18-RC-212632.pdf	0.0713	Adobe PDF Document	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 24, 2018

Glenn M. Taubman
National Right to Work
8001 Braddock Rd., Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2018-000844

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on May 22, 2018, in which you “seek the Region’s “letter approving withdrawal request” (dated on or about January 25, 2018), and any written withdrawal request submitted by the parties (or their attorneys or representatives)” in *USF Holland, LLC*, Case No. 18-RC-212632. You agreed to assume financial responsibility for the processing of your request up to \$30.00, but asked if we would consider waiving any fees “given the tiny amount of documents.”

We acknowledged your request on May 22, 2018.

I have attached the requested records. These records were produced through a reasonable search of the Agency's electronic casehandling system, NxGen.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i). We have not waived the fee given your placement in this fee category.

Fifteen minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

Glenn M. Taubman
May 24, 2018
Page 2

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact FOIA Attorney Marissa Wagner, who processed your request, at (202) 273-2957 or by email at marissa.wagner@nrlb.gov, as well as the Agency's FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (Six pages)

NLRB-2018-000618 Request Details

Clock Days: 39 Backlogged

Case Phase: Closed Case Status: Closed Due Date: 04/16/2018

Requester Information

Requester	Mr. Raymond LaJeunesse
Organization	National Right to Work Foundation
Requester Has Account	Yes
Email Address	rjl@nrtw.org
Phone Number	
Fax Number	
Address	8001 Braddock Rd, Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22151
Tracking Number	NLRB-2018-000618
Submitted Date	03/19/2018
Received Date	03/19/2018
Perfected Date	03/19/2018
Last Assigned Date	03/19/2018
Assigned To	Rosetta Lane (National Labor Relations Board (NLRB))
Last Assigned By	Ms. Synta E Keeling (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$500.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	03/19/2018
Acknowledgement Sent Date	03/19/2018
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

476/2000

Attached FOIA Request related to: the NLRB’s “OIG Report Regarding Hy-Brand Deliberations” (Feb. 9, 2018); Hy-Brand Industrial Contractors, Inc., 365 NLRB No. 156 (2017) (Dec. 14, 2017), and 366 NLRB No. 26 (Feb. 26, 2018), the former of which overturned Browning-Ferris Industries of California, 362 NLRB No. 186 (Aug. 27, 2015); and any determinations of the NLRB’s Ethics Officer related to the Board’s processing of these cases and/or Member Emanuel’s involvement therein.

Has Description Been Modified

Description Available to the Public

Yes

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
Hy-Brand FOIA Request 3-19-18.pdf	0.246	Adobe PDF Document	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 14, 2018

Raymond J. LaJeunesse, Jr.
National Right to Work Legal
Defense Foundation, Inc.
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2018-000618

Dear LaJeunesse:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on March 19, 2018, in which you seek copies of the following records:

1. The National Labor Relations Board's Designated Agency Ethics Official's (DAEO) determination that Member William Emanuel is, and should have been, disqualified from participating in *Hy-Brand Indus. Contractors, Ltd.*, 366 NLRB No. 26 (Feb. 26, 2018), and all documents and communications upon which DAEO relied upon to make the determination whether originating inside or outside the Agency.
2. All prior determinations since January 1, 2009, of the DAEO or the Inspector General concerning whether one or more Board Members should be recused from participating in particular cases.
3. All communications among Chairman Kaplan and Members Pearce and McFerran, or between any two of them, concerning whether *Hy-Brand Indus. Contractors, Ltd.*, 365 NLRB No. 156 (Dec. 14, 2017), should be reconsidered and/or overruled.
4. All communications among Chairman Kaplan and Members Pearce and McFerran, or between any two of them, concerning whether Member Emanuel should be recused or otherwise excluded from participation in the Board's reconsideration of the Decision and Order in *Hy-Brand Indus. Contractors, Ltd.*, 365 NLRB No. 156 (Dec. 14, 2017).

5. All communications among Chairman Kaplan and Member Pearce and McFerran, or between any two of them concerning delegation of the Board's authority to themselves as a three-member panel in reconsidering and vacating *Hy-Brand Indus. Contractors, Ltd.*, 365 NLRB No. 156 (Dec. 14, 2017).
6. All communications to or from Members Pearce, McFerran, Inspector General Berry, or the Board's DAEO, and any persons or offices outside the Board, including United States Senators, their personal or committee staff, members of the House of Representatives or their personal or committee staff, officials or employees of labor organizations, or members of the media or press relating to the following:
 - a. The overruling of *Browning-Ferris Indus. of California, Inc.*, 362 NLRB No. 186 (Aug. 27, 2015), in *Hy-Brand Indus. Contractors, Ltd.*, 365 NLRB No. 156 (Dec. 14, 2017);
 - b. The vacating of the *Hy-Brand Indus. Contractors, Ltd.*, 365 NLRB No. 156 (Dec. 14, 2017), in the subsequent *Hy-Brand Indus. Contractors, Ltd.*, 366 NLRB No. 26 (Feb. 26, 2018);
 - c. The IG's Memorandum dated February 9, 2018, concluding that Member Emanuel should have been recused from participation in deliberations leading to the decision to overturn *Browning-Ferris* in *Hy-Brand*;
 - d. The IG's investigation OIG-I-541 that led to the Memorandum dated February 9, 2018;
 - e. The DAEO's determination referenced in *Hy-Brand Indus. Contractors, Ltd.*, 366 NLRB No. 26 (Feb. 26, 2018), that "Member Emanuel is, and should have been, disqualified from participating in that proceeding"; and/or
 - f. Whether Member Emanuel should have been recused or excluded from participating in the *Hy-Brand* case or how to accomplish that recusal or exclusion.

You agreed to assume financial responsibility for the processing of your request up to the amount of \$500.00.

We acknowledged your request on March 9, 2018. In an email communication with a member of my staff on April 4, 2018, you clarified your request by providing a list of general search terms to be used in the search of the email accounts of certain named custodians. In a subsequent email, we confirmed that for purposes of searching the email accounts of the named custodians, a search would be conducted using the following parameters: (Browning-Ferris, Hy-Brand, or Emanuel) AND (ethics, ethical, unethical, recuse, recusal, recused, recusing, Inspector General, IG or OIG, Berry, Ethics Official, Ethics Officer, Ethics Office, DAEO, Ketcham, reconsider, reconsidered, reconsideration, reconsidering, overrule, overruled, overruling, vacate, vacated, vacating, conflict,

exclude, excluded, exclusion, excluding, participate, participated, participation, participating, vote, voting, voted, disqualify, disqualified, disqualification, disqualifying, delegate, delegated, delegation, delegating, authority, decide, deciding, decided, decision, and order) where the named custodians were in the to:, from:, bcc:, and cc: fields.

Pursuant to the FOIA, inquiries were made to the Office of the Executive Secretary and the Agency's Ethics Office, and a reasonable search of the Agency's email system was conducted through the email search tool, Office 365's eDiscovery.¹ The search yielded 228 pages of responsive records, which are attached. After a complete search and review, I have determined that portions of the attached records are privileged from disclosure under Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). Accordingly, these records are being provided to you either in their entirety or partially redacted to the extent they were found to be reasonably segregable from the exempt portions of the responsive records. Other records, including draft documents and intra agency memorandum totaling 91 pages, are being withheld in their entirety pursuant to FOIA Exemption 5. 5 U.S.C. § 552(b)(5). Your request is, therefore, granted in part and denied in part, as explained more fully below.

Exemption 5 protects intra agency records from disclosure on the basis of, among other things, the deliberative process and the attorney-client privileges. Specifically, the deliberative process privilege protects the internal decision-making processes of government agencies in order to safeguard the quality of agency decisions. The basis for this privilege is to protect and encourage the creative debate and candid discussion of alternatives. Two fundamental requirements must be satisfied before an agency may properly withhold a document pursuant to the deliberative process privilege. First, the document must be predecisional, *i.e.*, prepared in order to assist an agency decision-maker in arriving at the decision. *Renegotiation Bd. v. Grumman Aircraft Eng'g Corp.*, 421 U.S. 168, 184, 95 S. Ct. 1491, 44 L. Ed. 2d 57 (1975); *Judicial Watch, Inc. v. Food & Drug Admin.*, 449 F.3d 141, 151 (D.C. Cir. 2006). Second, the document must be deliberative, *i.e.*, "it must form a part of the agency's deliberative process in that it makes recommendations or expresses opinions on legal or policy matters." *Judicial Watch, Inc.*, 449 F.3d at 151 (quoting *Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980)). To satisfy these requirements, the agency need not "identify a specific decision in connection with

¹ In accordance with NLRB Rules and Regulations, 29 C.F.R. § 102.117 (a)(3), your request has also been forwarded to the Office of the Inspector General for processing of those portions of your request encompassing records maintained by that Office. (FOIA ID No. NLRB-OIG-2018-000619). However, after consultation with the Office of the Inspector General, certain email chains that were sent to, from, or copied to, the Inspector General have been included in the attached responsive records.

which a memorandum is prepared. Agencies are . . . engaged in a continuing process of examining their policies; this process will generate memoranda containing recommendations which do not ripen into agency decisions; and the lower courts should be wary of interfering with this process.” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 n.18, 95 S. Ct. 1504, 44 L. Ed. 2d 29 (1975). The protected status of a predecisional document is not altered by the subsequent issuance of a decision, see, e.g., *Fed. Open Mkt. Comm. of Fed. Reserve Sys. v. Merrill*, 443 U.S. 340, 360, 99 S. Ct. 2800, 61 L. Ed. 2d 587 (1979); *Elec. Privacy Info. Ctr. v. Dep’t of Homeland Sec.*, 384 F. Supp. 2d 100, 112–13 (D.D.C. 2005) or by the agency opting not to make a decision. See *Judicial Watch, Inc. v. Clinton*, 880 F. Supp. 1, 13 (D.D.C. 1995), aff’d, 76 F.3d 1232 (D.C. Cir. 1996) (citing *Russell v. Dep’t of the Air Force*, 682 F.2d 1045 (D.C. Cir. 1982)).

The attorney-client privilege protects from disclosure “confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice.” *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 252 (D.C. Cir. 1977). “In the government context, the ‘client’ may be the agency and the attorney may be the agency lawyer.” *Tax Analysts v. I.R.S.*, 117 F.3d 607, 618 (D.C. Cir. 1997). Moreover, the privilege extends to communications between an attorney and all agents or employees of the agency or organization. *Mead Data Central, Inc.*, 566 F.2d 242.

Portions of the attached records, and the records being withheld in their entirety, meet the requirements for Exemption 5 protection under both the deliberative process and the attorney-client privileges. Draft documents and other records reflecting intra agency communications are deliberative in that they are internal predecisional communications that make recommendations or proffer opinions on legal or policy matters in order to assist an agency decision-maker in arriving at decisions. Because the records analyze various legal theories and strategies, these internal records clearly reflect the deliberative and consultative process of the Agency that Exemption 5 protects from forced disclosure. *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 150–52, 95 S. Ct. 1504, 44 L. Ed. 2d 29 (1975). In addition, Exemption 5 protection under this privilege exists for portions of the attached documents and for documents withheld in their entirety because these records reflect internal communications in which “the government is dealing with its attorneys as would any private party seeking advice to protect personal interests.” See *Coastal States Gas Corp.*, 617 F.2d at 863.

Finally, portions of the responsive records are also being withheld and/or redacted pursuant to FOIA Exemption 6, 5 U.S.C. § 552 (b)(6), since their disclosure could constitute an unwarranted invasion of privacy and/or reveal a confidential source. Exemption 6 permits agencies to withhold information about individuals in “personnel and medical and similar files” where the disclosure of the information “would constitute a clearly unwarranted invasion of personal

Raymond J. LaJeunesse, Jr.

May 14, 2018

Page 5

privacy.” 5 U.S.C. § 552(b)(6). The “files” requirement covers all information that “applies to a particular individual.” *U. S. Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 601–02, 102 S. Ct. 1957, 72 L. Ed. 2d 358 (1982). Although the application of Exemption 6 requires the balancing of the individual right to privacy against the public’s right to disclosure, the kind of public interest involved is information that if disclosed would “shed ... light on an agency’s performance of its statutory duties.” *U.S. Dep’t of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 773, 109 S. Ct. 1468, 103 L. Ed. 2d 774 (1989). To meet this burden a requester must “show that the public interest sought to be advanced is a significant one, an interest more specific than having the information for its own sake,” and that “the information is likely to advance that interest.” *NARA v. Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 124 S. Ct. 1570, 158 L. Ed. 2d 319 (2004). You have not submitted any rationale which would support your burden to show the public interest in disclosure of the type of private information redacted in the records pursuant to FOIA Exemption 6.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Four hours of professional time was expended in reviewing for release the requested material. Accordingly, please remit \$148.00.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB’s FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Rosetta Lane, FOIA Attorney, who processed your request, at (202) 568-3526 or by email at rosetta.lane@nrlb.gov, as well as the Agency’s FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information

Raymond J. LaJeunesse, Jr.

May 14, 2018

Page 6

for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

Synta E. Keeling/s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (228 pages)

NLRB-2018-000557 Request Details

Clock Days: 17

Case Phase: Closed Case Status: Closed Due Date: 04/02/2018

Requester Information

Requester	Glenn M Taubman
Organization	NRTWLDF
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-770-3338
Fax Number	703-321-9319
Address	c/o National Right to Work 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2018-000557
Submitted Date	03/05/2018
Received Date	03/05/2018
Perfected Date	03/05/2018
Last Assigned Date	03/05/2018
Assigned To	Lalitta Gillis (National Labor Relations Board (NLRB))
Last Assigned By	Ms. Synta E Keeling (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$25.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	03/05/2018
Acknowledgement Sent Date	03/05/2018
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

270/2000

I seek the consolidated complaint issued by the Regional Director on 2/28/18 in Lamb Weston, Case Nos. 15-CA-199100 and other related cases. (This consolidated complaint also relate to the decertification election (and objections) in Lamb Weston, Case No. 15-RD-198159).

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 28, 2018

Glenn M. Taubman
National Right to Work Legal Defense Foundation
c/o National Right to Work
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: FOIA Case No. NLRB-2018-000557

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on March 5, 2018, in which you seek a copy of the consolidated complaint issued in *Lamb Weston Holdings, Inc.*, Case No. 15-CA-199100. You assumed fees up to \$25.00.

We acknowledged your request on March 5, 2018.

I have attached the requested document. The document was produced through a reasonable search of the Agency's electronic casehandling system. Redactions have been made to portions of the requested document to protect the privacy interests of individuals named in the case file. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the

Glenn M. Taubman

March 28, 2018

Page 2

records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Two-quarters of an hour of professional time was expended in searching for and reviewing the requested material. Accordingly, please remit \$18.50.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Lalitta Gillis, the FOIA Specialist, who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, as well as the Agency's FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Sincerely,

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (11 pages)

NLRB-2017-002049 Request Details

Clock Days: 29 Backlogged**Case Phase:** Closed **Case Status:** Closed **Due Date:** 09/15/2017

Requester Information

Requester	Glenn Taubman
Organization	National Right to Work legal Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	NRTWLDF 8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2017-002049
Submitted Date	08/16/2017
Received Date	08/16/2017
Perfected Date	08/17/2017
Last Assigned Date	08/17/2017
Assigned To	Teresita Sanabria (National Labor Relations Board (NLRB))
Last Assigned By	Jolynne Miller (National Labor Relations Board (NLRB))
Request Track	Simple
Fee Limit	\$20.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	08/17/2017
Acknowledgement Sent Date	08/17/2017
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

422/2000

In Watkins Security Agency, Case No. 05-RD-201720, please send me the original decertification petition that was filed and any service list the region uses to contact the parties. There should be no redactions here, since the case has now proceeded to a public hearing and regional director's adjudication and dismissal. There is no possible need to hide the decertification petitioner's contact information at this point.

Has Description Been Modified

Description Available to the Public

No

Short Description

05-RD-201720 - decertification petition and service list

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

September 28, 2017

Glenn Taubman
National Right to Work
Legal Foundation
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA Case No.: NLRB-2017-002049

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on August 17, 2017, in which you seek copies of the decertification petition and service list in *Watkins Security Agency of DC, Inc.*, Case No. 05-RD-201720. You assumed fees up to \$20.00.

We acknowledged your request on August 17, 2017. We regret the delay in our final in our final response

I have attached the requested documents. The documents were produced through a reasonable search of the Agency's electronic casehandling system.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One quarter of an hour of professional time was expended in reviewing for release the requested material. Accordingly, please remit \$9.25.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's FOIA Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over www.pay.gov.

You may contact Teresita Sanabria, the FOIA Specialist who processed your request, at (202) 568-3531 or by email at Teresita.Sanabria@nrlb.gov, as well as our FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.regulations.gov/foia/action/public/home>, or by mail at: National Labor Relations Board, Division of Legal Counsel, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlb.gov.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (three pages)

NLRB-2017-000591 Request Details

Clock Days: 28 Backlogged

Case Phase: Closed Case Status: Closed Due Date: 01/25/2017

Requester Information

Requester	Glenn Taubman
Organization	National Right to Work Legal Foundation
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2017-000591
Submitted Date	12/22/2016
Received Date	12/23/2016
Perfected Date	12/23/2016
Last Assigned Date	
Assigned To	Lalitta Gillis (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$50.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	12/23/2016
Acknowledgement Sent Date	02/06/2017
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

246/2000

In IAM,Case No. 03-CB-168560, the media dep't of the NRTWLDF seeks: the ULP charge, G.C.'s complaint, IAM's answer, and all parties' post hearing briefs. NRTWLDF disseminates a bimonthly newsletter with a 20,000 national circulation. www.nrtw.org

Has Description Been Modified

Description Available to the Public

No

Short Description

International Association of Machinists and Aerospace Workers, District 65, Local 330

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

February 6, 2017

Glenn Taubman
National Right to Work
Legal Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160

Re: FOIA ID: LR-2017-0597

Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated December 22, 2016 and received in this Office on December 23, 2016, in which you seek copies of the Charge, Complaint, Answer to Complaint and Post Hearing Briefs in *International Association of Machinists and Aerospace Workers, District 65, Local 330 (Ingersoll-Rand Company)*, Case No. 03-CB-168560.

We acknowledged your request on December 22, 2016. An interim response was sent to you on January 25, 2017.

During a telephone conversation with a member of my staff on January 18, 2017, you narrowed the scope of your request to copies of the Charge, Amended Charge, Complaint, and Answer to Complaint. In an email exchange with a member of my staff on January 26, 2017, you assumed fees up to \$50.00. That staff member further confirmed that your fee category is commercial.

I have attached the requested documents. The documents were produced through a reasonable search of the Agency's electronic casehandling system.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the

records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in reviewing for release the requested material. Accordingly, please remit \$9.25.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB’s Finance Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over the internet by following the instructions I have attached.

You may contact Lalitta Gillis at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, who processed your request, as well as our FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal by mail to the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Rosetta Lane, Acting FOIA Supervisor, at (202) 568-3526 or by email at Rosetta.Lane@nrlb.gov.

Sincerely

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (thirteen pages)

NLRB-2017-000571 Request Details

Clock Days: 22 Backlogged

Case Phase: Closed Case Status: Closed Due Date: 01/20/2017

Requester Information

Requester	John Scully
Organization	National Right to Work Legal Defense Foundation
Requester Has Account	No
Email Address	jcs@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-8319
Address	8001 Braddock Rd
City	Springfield,
State/Province	VA
Zip Code/Postal Code	22032
Tracking Number	NLRB-2017-000571
Submitted Date	12/20/2016
Received Date	12/20/2016
Perfected Date	12/20/2016
Last Assigned Date	
Assigned To	Susan Stokenbury (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$50.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	12/20/2016
Acknowledgement Sent Date	01/24/2017
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

236/2000

All charges filed by INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES,(IATSE) and it affiliates against the Golf Channel from June 2015 to the present and all complaints issued against the Golf Channel from June 2015 to the present.

Has Description Been Modified

Description Available to the Public

No

Short Description

TGC, LLC d/b/a Golf Channel

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

January 24, 2017

John Scully
National Right to Work Legal Defense Foundation
8001 Braddock Road
Springfield, VA 22032

Re: FOIA ID: LR-2017-0577

Dear Mr. Scully:

This is in response to your electronic request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on December 20, 2016, in which you seek all charges filed by the International Alliance of Theatrical Stage employees and its affiliates against the Golf Channel from June 2015 to present. In addition, you seek all complaints issued against the Golf Channel from June 2015 to the present. You assumed fees up to \$50.00.

We acknowledged your request on December 20, 2016. An interim response was sent on January 20, 2017.

I have attached the requested documents. The documents were produced through a reasonable search of the Agency's electronic casehandling system. Redactions have been made to portions of the requested documents to protect the privacy interests of individuals named in the case file. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the

records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One-half hour of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$18.50.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's Finance Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over the internet by following the instructions I have attached.

You may contact Susan Stokenbury at (202) 552-9451 or by email at susan.stokenbury@nrlb.gov, who processed your request, as well as our FOIA Public Liaison at (202) 273-0902 or by email at FOIAPublicLiaison@nrlb.gov, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at (202) 741-5770, toll free at (877) 684-6448, or facsimile at (202) 741-5769.

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal by mail to the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, or by email to DLCFOIAAppeal@nrlb.gov, within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlb.gov.

Sincerely,

Synta E. Keeling /s/

Synta E. Keeling
Freedom of Information Act Officer

Attachment: (21 pages)

NLRB-2016-001872 Request Details

Clock Days: 13

Case Phase: Closed Case Status: Closed Due Date: 07/12/2016

Requester Information

Requester	Nathan J. McGrath
Organization	National Right to Work Legal Defense Foundation, Inc.
Requester Has Account	No
Email Address	njm@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Road, Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2016-001872
Submitted Date	06/07/2016
Received Date	06/13/2016
Perfected Date	06/13/2016
Last Assigned Date	
Assigned To	Denise Meiners (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	06/13/2016
Acknowledgement Sent Date	06/30/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

252/2000

25-CB-086676 - A copy of any and all letters, documents, and/or requests from and/or made on behalf of the charged party, by itself or its representative(s), in this matter that moved the Region to write said May 31, 2016 compliance and closure letter.

Has Description Been Modified

Description Available to the Public

No

Short Description

Teamsters, Local Union No. 364

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 30, 2016

Nathan J. McGrath
Staff Attorney
National Right to Work Legal Defense Foundation
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA ID: LR-2016-1887

Dear Mr. McGrath:

This is in final response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated June 7, 2016, and received in this Office on June 13, 2016, in which you seek a copy of any and all letters, documents, and/or requests from and/or made on behalf of the charged party, by itself or its representative(s), that moved the Region to write a May 31, 2016 compliance and closure letter in *Chauffeurs, Teamsters and Helpers, Local Union No. 364 (Eagle Ready Mix)*, Case No. 25-CB-086676. You agreed to assume costs up to \$30.00 for the processing of your request. An interim reply was sent to you on June 14, 2016.

A reasonable search of the Agency's electronic casehandling system and requested case file produced one document responsive to your request, which is attached hereto.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are \$3.10 per quarter-hour or portion thereof of clerical time, and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One-quarter hour of professional time was spent searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's Finance Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over the internet by following the instructions I have attached.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088, or by email at jolynne.miller@nrlb.gov.

Sincerely,

Jolynne Miller
for

Deirdre MacNeil
Freedom of Information Act Officer

Attachment: (one page)

NLRB-2016-001305 Request Details

Clock Days: 6

Case Phase: Closed **Case Status:** Closed **Due Date:** 04/20/2016

Requester Information

Requester	Sarah Hartsfield
Organization	National Right to Work Legal Defense Foundation
Requester Has Account	No
Email Address	seh@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Road, Ste. 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22151
Tracking Number	NLRB-2016-001305
Submitted Date	03/23/2016
Received Date	03/23/2016
Perfected Date	03/23/2016
Last Assigned Date	
Assigned To	National Labor Relations Board (NLRB)
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	03/23/2016
Acknowledgement Sent Date	03/31/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

72/2000

Complaint and Notice of Hearing issued on 2/12/2016, etc. (see request).

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 31, 2016

Sarah Hartsfield
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road
Suite 600
Springfield, VA 22151

Re: FOIA ID: LR-2016-1296

Dear Ms. Hartsfield:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on March 23, 2016, in which you seek copies of various specified documents from three specified case files.

In a telephone conversation with a member of the FOIA Staff on March 29, 2016, you narrowed the scope of your request to include only those documents specifically named in the Order to Show Cause, dated March 18, 2016, from *Community School of Excellence*, Case No. 18-RD-168087. Based on a review of this Order, these documents include:

- (1) Order Consolidating Cases and Consolidated Complaint, dated February 11, 2016, from *Community School of Excellence*, Case Nos. 18-CA-142732 and 18-CA-142738;
- (2) Settlement Agreement from *Community School of Excellence*, Case Nos. 18-CA-142732 and 18-CA-142738;
- (3) Order Consolidating Cases and Consolidated Complaint and Notice of Hearing, dated June 30, 2016, from *Community School of Excellence*, Case Nos. 18-CA-145860 and 18-CA-151198;
- (4) Settlement Agreement from *Community School of Excellence*, Case Nos. 18-CA-145860 and 18-CA-151198; and
- (5) Complaint and Notice of Hearing, dated February 12, 2016, from *Community School of Excellence*, Case No. 18-CA-165594.

I have attached the requested documents. These documents were produced through a reasonable search of the Agency's NxGen casehandling system. Redactions have been made to portions of the requested documents to protect the privacy interests of individuals named in the case file. These redactions were made pursuant to FOIA

Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are: \$3.10 per quarter-hour or portion thereof of clerical time and \$9.25 per quarter-hour or portion thereof of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One and one-quarter hours of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$46.25.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's Finance Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over the internet by following the instructions I have attached.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Thus, the appeal must be received by the close of business at 5:00 p.m. (ET) on April 28, 2016. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlb.gov.

Sincerely,

Deirdre MacNeil

Deirdre MacNeil
Freedom of Information Act Officer

Attachment: (30 pages)

NLRB-2016-001137 Request Details

Clock Days: 18

Case Phase: Closed Case Status: Closed Due Date: 03/31/2016

Requester Information

Requester	Glenn M. Taubman
Organization	National Right to Work Legal Defense Foundation, Inc.
Requester Has Account	No
Email Address	gmt@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Rd., Suite 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2016-001137
Submitted Date	03/03/2016
Received Date	03/03/2016
Perfected Date	03/03/2016
Last Assigned Date	
Assigned To	National Labor Relations Board (NLRB)
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	03/03/2016
Acknowledgement Sent Date	03/29/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

180/2000

Any Advice Memoranda issued in the now closed cases in Los Angeles Times and Graphic Communication Conference-Teamsters Local 140N, Case Nos. 21-CA-38867, 21-CB-14727, 21-CB-15016.

Has Description Been Modified

Description Available to the Public

No

Short Description

Los Angeles Times and Graphic Communication Conference-Teamsters Local 140N

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 29, 2016

Glenn M. Taubman
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA ID: LR-2016-1123

Dear Mr. Taubman:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on December 8, 2015, in which you seek a copy of the Advice memorandum issued in *Graphic Communications Conference of the International Brotherhood of Teamsters and its Local 140-N (The Los Angeles Times)*, Case Nos. 21-CB-14727, et al.

The requested Advice memorandum is being provided to you under the General Counsel's policy of making such documents publicly available after the closing of the respective case. Accordingly, there is no charge for this request.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Thus, the appeal must be received by the close of business at 5:00 p.m. (ET) on April 26, 2016. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Denise Meiners, Acting FOIA Supervisor, at (202) 273-2935 or by email at denise.meiners@nrlb.gov.

Sincerely,

Deirdre MacNeil

Deirdre MacNeil
Freedom of Information Act Officer

Attachment: (eight pages)

NLRB-2016-000469 Request Details

Clock Days: 35 Backlogged

Case Phase: Closed Case Status: Closed; Appealed Due Date: 12/29/2015

Requester Information

Requester	Byron Andrus
Organization	National Right to Work Legal Defense Foundation, Inc.
Requester Has Account	No
Email Address	bsa@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Road, Ste. 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2016-000469
Submitted Date	11/30/2015
Received Date	11/30/2015
Perfected Date	11/30/2015
Last Assigned Date	
Assigned To	Denise Meiners (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	11/30/2015
Acknowledgement Sent Date	01/21/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

79/2000

Unredacted copies of the RD petition and the service list filed with the Board.

Has Description Been Modified

Description Available to the Public

No

Short Description

Lift Truck Sales & Service

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH**

Washington, D.C. 20570

Via email

January 21, 2016

Byron Andrus
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA IDs: LR-2016-0407 and LR-2016-0439

Dear Mr. Andrus:

This is in response to your two requests, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 24, 2015 and November 30, 2015, in which you seek:

- (i) unredacted copies of the unfair labor practice charges filed in *International Alliance of Theatrical Stage Employees Local Union #303 (Total Crew Services, Inc.)*, Case Nos. 32-CB-154562 and 32-CB-155304; and
- (ii) unredacted copies of the RD petition and the service list in *Lift Truck Sales & Service*, Case No. 14-RD-137434.

In your requests, you seek a fee waiver and/or status as a representative of the news media, but you agree to pay up to \$50 for the processing of these requests.

Pursuant to a conversation with a member of my staff on January 5, 2016, you agreed that these two requests could be handled together.

Your requests are granted in part, and denied in part. Redacted copies of the two requested charges and the RD petition, and a case participant list, totaling 4 pages, are attached. In particular, the names and contact information on the unfair labor practice charges have been redacted, and, in light of the Board's issuance of a decision in 14-RD-137434, the contact information only on the petition has been redacted.

Accordingly, your requests are denied to the extent that you seek unredacted copies of these documents. Pursuant to General Counsel Memorandum 15-07 (dated August 12, 2015), titled "Modifying Interpretation of Section 102.117(b)(1) Regarding Redaction of Formal Documents Before the Opening of a NLRB Public Hearing or Forwarding to the Board on a Stipulated Record," redactions have been made to portions of the charges, pursuant to the policies embodied in Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and 7(C)), as disclosure of those portions would constitute an unwarranted

Mr. Byron Andrus
January 21, 2016

invasion of privacy of the individuals named therein. Moreover, as a matter of our administrative discretion, the Agency, in this instance, is voluntarily providing the documents to you at no cost, and as a result, we do not reach your request for a fee waiver and/or status as representative of the media. This voluntary disclosure, at no cost, is non-precedential with respect to any future requests you may make.

In support of your requests, you incorporate by reference several arguments asserted in support of your appeal from an earlier determination (FOIA ID: LR-2015-0638) (FOIA Appeal), denying a similar request for copies of unredacted documents. Essentially, you contend that: i) the requested documents do not fall within Exemption 6's protection of "personnel and medical and similar files" or Exemption 7's protection of files created for "law enforcement purposes"; ii) no privacy interest attaches to publicly-filed charges and election petitions that have been released without redaction for decades; and iii) the Foundation seeks to serve "the public interest" by matching experienced pro bono lawyers with charging parties (and petitioners) who have initiated their own Agency proceedings by offering them free legal representation, for which you claim a First Amendment right attaches.

For the following reasons, I find these arguments fail to justify disclosure of unredacted copies of the requested documents.

A. Information Contained in Charges and Petitions That Applies to Particular Individuals Meets Threshold Requirements of Exemptions 6 and 7(C)

To warrant protection under Exemption 6, information must first meet the threshold requirement that it falls within the category of "personnel and medical files and similar files." 5 U.S.C. § 552(b)(6). In *United States Dep't of State v. Washington Post Co.*, the Supreme Court firmly held, based upon a review of the legislative history of the FOIA, that Congress intended the term to be interpreted broadly, rather than narrowly. 456 U.S. 595, 599-03 (1982) (citing H.R. Rep. No. 89-1497, at 11 (1966); S. Rep. No. 89-813, at 9 (1965); S. Rep. No. 88-1219, at 14 (1964)). The Court stated that the protection of an individual's privacy "surely was not intended to turn upon the label of the file which contains the damaging information." 456 U.S. at 601 (citing H.R. Rep. No. 89-1497, at 11 (1966)).

Thus, it would be anomalous for information about a person to be protected by Exemption 6 because it was found in a "medical" or "personnel" file, but lose protection if it happened to be found in another file. *Washington Post Co.*, 456 U.S. at 601. Rather, *the Court made clear that all information that "applies to a particular individual" meets the threshold requirement for Exemption 6 protection. Id.* at 602 (emphasis supplied). This means, of course, that this threshold is met if the information applies to any particular, identifiable individual--which makes it readily satisfied in all but the most unusual cases. See, e.g., *Associated Press v. Dep't of Defense*, 554 F.3d 274, 291 (2d Cir. 2009) (finding that records applying to detainees whose family members seek protection are "similar files"); *Lakin Law Firm, P.C. v. FTC*, 352 F.3d 1122, 1123 (7th Cir. 2003) (finding that consumer complaints filed with the Federal Trade Commission "clearly fall[] within the exemption").

Mr. Byron Andrus
January 21, 2016

Here, your FOIA requests seek records that contain particular *named* individuals and, therefore, fall squarely within the broad interpretation intended by Congress as a “similar file.” Accordingly, I find that the requested records are “similar files” under Exemption 6.

Moreover, it is well settled that the Board’s unfair labor practice proceedings qualify for protection under Exemption 7’s coverage of “law enforcement purposes.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 222-23, 234-37 (1978). The district court case upon which the Foundation relies in its FOIA Appeal, *Mylan Pharmaceuticals, Inc. v. NLRB*, 407 F. Supp. 1124 (W.D. Pa. 1976) (FOIA Appeal, at 16), is not persuasive here, as it was decided prior to the Supreme Court’s broadening of the privacy threshold in *Washington Post* and narrowing of “public interest” in *United States Dep’t of Justice v. Reporters Comm. for the Freedom of the Press*, 489 U.S. 749 (1989) (*Reporters Committee*).

Further, documents submitted, created, or collected during the investigation of a Board representation case meet the threshold of Exemption 7 because, as is the case with unfair labor practice proceedings, the conduct of representation proceedings indisputably lies at the heart of the Board’s regulatory responsibilities under the National Labor Relations Act. See *Injex Indus. v. NLRB*, 699 F. Supp. 1417, 1419 (N.D. Cal. 1986) (finding that the NLRB’s responsibility to process representation elections constitutes law enforcement proceedings).

Because Exemption 6 applies to both the requested charges and petition and the case participant list, Exemption 7(C) applies as well, because its language establishes a lesser burden of proof to justify withholding than that of Exemption 6. See *National Archives and Records Administration v. Favish*, 541 U.S. 157, 165-66 (2004) (Exemption 7(C) requires a showing of “unwarranted invasion of privacy,” as opposed to Exemption 6’s reference to a “clearly unwarranted invasion”).

B. Privacy Interests Attach To Publicly-Filed Charges And Election Petitions

I also find that the disclosure of unredacted documents “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). The Supreme Court has explained that “both the common law and the literal understandings of privacy encompass the individual’s control of information concerning his or her person.” *Reporters Committee*, 489 U.S. at 763. Information does not need to be intimate or embarrassing to qualify for Exemption 6 protection. See *Washington Post Co.*, 456 U.S. at 600. Thus, “regardless of the nature of the information contained in them, disclosure of records containing personal details about private citizens can infringe significant privacy interests.” *FLRA v. United States Dep’t of Veterans Affairs*, 958 F.2d 503, 510 (2d Cir. 1992).

Specifically, disclosure of the contact information in the requested records clearly implicates the privacy interests of the named individuals. Courts have held that specific personal information about named individuals generally possesses an elevated privacy

Mr. Byron Andrus
January 21, 2016

interest. See *U.S. Dep't of State v. Ray*, 502 U.S. 164, 176 (1990) ("the invasion of privacy becomes significant when personal information is linked to particular interviewees"); *Yelder v. Dep't of Defense*, 577 F. Supp. 2d 342, 346 (D.D.C. 2008) (noting that information such as names, addresses, and other personally identifying information creates a palpable threat to privacy); *People for the Am. Way Found. v. Nat'l Park Serv.*, 503 F. Supp. 2d 284, 304, 306 (D.D.C. 2007) (stating that "[f]ederal courts have previously recognized a privacy interest in a person's name and address" and concluding that "[g]enerally, there is a stronger case to be made for the applicability of Exemption 6 to phone numbers and addresses"); *Lakin Law Firm, P.C.*, 352 F.3d at 1124 ("personal identifying information is regularly exempt from disclosure. And that is as it should be, for the core purpose of the FOIA is to expose what the government is doing, not what its private citizens are up to.").

Moreover, individuals do not waive their interests in privacy merely by filing unfair labor charges or election petitions and invoking the Board's processes. See, e.g., *Lakin Law Firm, P.C.*, 352 F.3d at 1124 (personal identifiers of consumers complaining to the Federal Trade Commission held protected under Exemption 6 because "the personal privacy interests of consumers did not disappear when they complained to the FTC."). Cf. *H.B. Zachary Co.*, 310 NLRB 1037, 1038 n.5 (1993) (employee does not waive her rights to confidentiality by giving a copy of her affidavit to the charging party union). Nor can the Agency waive individual charging parties' and petitioners' privacy interests. See *Lakin Law Firm*, 352 F.3d at 1124; *Sherman v. U.S. Dep't of the Army*, 244 F.3d 357, 363-64 (5th Cir. 2001) ("only the individual whose informational privacy interests are protected by Exemption 6 can effect a waiver of those privacy interests when they are threatened by an FOIA request"); *Milton v. U.S. Dep't of Justice*, 783 F. Supp. 2d 55, 59 (D.D.C. 2011).

Further, the General Counsel, in GC Memorandum 15-07, has explained how the privacy interests of individual charging parties and petitioners may be negatively affected by involuntary disclosure of their personal information. GC Memorandum 15-07 describes the negative and chilling effects that result from uncredited or mischaracterized allegations and information being placed in the public domain without adjudication or evaluation by an administrative law judge or the Board, that prospective and current employers may see, search for, and potentially use against them. See GC Memorandum, at 3-5 and 6, n.14. An important distinction recognized by the General Counsel is that this privacy interest changes once an unfair labor practice hearing opens or a stipulated record is presented to the Board for decision, and thus, the General Counsel's policy does not call for redaction of charges and petitions after that point. See GC Memorandum 15-07, at 3 (discussing that 90 percent of NLRB proceedings—about nineteen thousand unfair labor practice cases each year—do not result in a public hearing).

FOIA law is clear that there is little cognizable public interest in the release of information about named individuals in formal documents

The privacy interests of charging parties and petitioners here must be balanced against the public interest that would be served by disclosure of their identities and contact

Mr. Byron Andrus
January 21, 2016

information. See *Schiffer v. FBI*, 78 F.3d 1405, 1410 (9th Cir. 1996). The Supreme Court has repeatedly held that the only public interest that is relevant to this balancing test is exposure of an agency's performance of its statutory duties. *Reporters Comm.*, 489 U.S. at 773. See also *United States Dep't of Defense v. FLRA*, 510 U.S. 487, 495 (1994) ("the only relevant 'public interest in disclosure' to be weighed in this balance is the extent to which disclosure would serve the 'core purpose of the FOIA,' which is 'contribut[ing] significantly to public understanding of the operations or activities of the government.'") (quoting *Reporters Committee*). A requester must do more than identify a public interest that qualifies for consideration; the requester must demonstrate that the public interest in disclosure is sufficiently compelling to outweigh legitimate privacy interests. See *Senate of P.R. v. United States Dep't of Justice*, 823 F.2d 574, 588 (D.C. Cir. 1987).

In your requests, you state that the Foundation wants to obtain the bare minimum of information necessary to reach out to charging parties and petitioners litigating NLRB cases *pro se* and offer them free legal representation, as well as to publicize their cases. You claim that these activities serve the public interest by matching experienced pro bono lawyers with charging parties (and petitioners) who have already initiated proceedings with the Agency in order to offer them free legal representation.

The Foundation's asserted public interest objectives (FOIA Appeal, at 11) are not cognizable under the FOIA, and therefore do not outweigh the individuals' privacy interests. Whether an invasion of privacy is warranted does not turn on the purposes for which the information request is made. See *Dep't of Defense v. FLRA*, 487 U.S. at 496. Rather, as noted, the only relevant public interest consideration is whether disclosure of the requested information appreciably furthers the public's right to be informed about what their Government is up to. Accordingly, it does not matter that the Foundation intends to use the information to contact unrepresented employees to offer them free legal assistance and expertise that they would not otherwise receive in defending against experienced employer or union lawyers in their pending Agency cases. Similarly, it is of no import that the Foundation does not seek to profit from the information. Further, neither the Foundation's claims that there has been no misuse of this personal data, nor that its current clients have welcomed the offers of representation by the Foundation (FOIA Appeal, p. 6) change this result. As for publicizing issues before the Board, revealing the names and contact information of the charging parties and petitioners does not add to identifying those issues, let alone understanding them. As the General Counsel's Memorandum explained:

Importantly, the redaction of individuals' names and personal identifiers from formal documents will otherwise leave intact the documents' factual and legal content. The formal documents will thus continue to inform the public about "what their Government is up to." *Favish*, 541 U.S. at 171-72. It is not also necessary that the Agency disclose the names of private individuals and thus expose them to potential embarrassment, public opprobrium, or damaged employment prospects. *Id.*

Mr. Byron Andrus
January 21, 2016

GC Memorandum, 15-07 at 5. For all of these reasons, you have not demonstrated a public interest in the documents.¹

In re Primus, 436 U.S. 412 (1978), a First Amendment case you cite in your request letter and FOIA Appeal, does not support your argument for disclosure of unredacted documents (FOIA Appeal, at 9-10; FOIA Requests, at 2). The Supreme Court's holding that the nonprofit litigation groups' solicitation of prospective litigants is protected First Amendment conduct has no direct bearing on our FOIA analysis. See *Ctr. for Nat. Sec. Studies v. U.S. Dep't of Justice*, 331 F.3d 918, 934 (D.C. Cir. 2003) ("in contrast to FOIA's statutory presumption of disclosure, the First Amendment does not mandate a right of access to government information or sources of information within the government's control.") (quotation omitted). Thus, the Foundation's asserted First Amendment interest in the information does not place it in any better position than other FOIA requesters. See *Dep't of Defense v. FLRA*, 510 U.S. at 499 ("the fact that [requesters] are seeking to vindicate the policies behind the Labor Statute is irrelevant to the FOIA analysis.").

Nor is the Foundation's reliance on *Getman v. NLRB*, 450 F.2d 670, 680 (D.C. Cir. 1971) (FOIA Appeal, at 7-9) well founded. Although the D.C. Circuit held at that time that the Exemption 6 balancing test required the release of *Excelsior* list information to a group of law professors, twenty years later, the D.C. Circuit implicitly overruled *Getman* in light of *Reporters Committee's* narrowing of the "public interest" concept. *Reed v. NLRB*, 927 F.2d 1249, 1251-52 (D.C. Cir. 1991). Neither is *Van Bourg, Allen, Weinberg & Roger v. NLRB*, 728 F.2d 1270 (9th Cir. 1984), cited in your FOIA Appeal, at 12-13, persuasive here, as the Ninth Circuit's expansive view of "public interest" was also decided prior to *Reporters Committee*.

Because I find that you have failed to carry your burden of identifying a cognizable public interest that outweighs the legitimate privacy interest held by the individual charging parties and petitioner contained in the requested documents, the names and contact information of the charging parties, and the contact information of the petitioner, are being withheld under Exemption 6. Likewise, balancing the privacy interests against the public interest under Exemption 7(C) leads to the same result, as Exemption 7(C) is more protective of privacy than Exemption 6.² Indeed, identities of individuals who

¹ Even if your need was relevant to a public interest recognized under the FOIA, here the Foundation apparently was able to obtain the names of the charging parties and the petitioner in the requested cases (Requests, at 1). The Foundation's submission of the petitioner's January 8, 2015 letter to the General Counsel with its request also apparently indicates that the Foundation is already in contact with the petitioner.

² As the Supreme Court noted in *Reporters Committee*, "Exemption 7(C)'s privacy language is broader than the comparable language in Exemption 6 in two respects." 489 U.S. at 756. First, Exemption 6 requires that the invasion of privacy be "clearly unwarranted," whereas Exemption 7(C) requires only that the invasion be "unwarranted." Second, Exemption 6 requires a disclosure that "would constitute" an invasion of privacy, whereas Exemption 7(C) requires only that a disclosure "could reasonably be expected to constitute" an invasion of privacy.

Mr. Byron Andrus
January 21, 2016

appear in law enforcement files would virtually never be “very probative of an agency’s behavior or performance.” *SafeCard Services Inc. v. United States Sec. and Exch. Comm’n.*, 926 F.2d 1197, 1206 (D.C. Cir. 1996).

Accordingly, the Agency is hereby providing you with the copies of the charges in Case Nos. 32-CB-154561 and 32-CB-155304, and RD petition and case participant list in Case No. 14-RD-137434, with the names, home and email addresses, and contact information redacted.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Thus, the appeal must be received by the close of business at 5:00 p.m. (ET) on February 18, 2016. Any appeal should contain a complete statement of the reasons upon which it is based. For questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlrb.gov.

Sincerely,

Deirdre MacNeil

Deirdre MacNeil
Freedom of Information Act Officer

Attachments: (four pages)

NLRB-2016-000437 Request Details

Clock Days: 35 Backlogged**Case Phase:** Closed **Case Status:** Closed; Appealed **Due Date:** 12/29/2015

Requester Information

Requester	Byron Andrus
Organization	National Right to Work Legal Defense Foundation, Inc.
Requester Has Account	No
Email Address	bsa@nrtw.org
Phone Number	703-321-8510
Fax Number	703-321-9319
Address	8001 Braddock Road, Ste. 600
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2016-000437
Submitted Date	11/24/2015
Received Date	11/30/2015
Perfected Date	11/30/2015
Last Assigned Date	
Assigned To	Denise Meiners (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	11/30/2015
Acknowledgement Sent Date	01/21/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

175/2000

Unredacted copies of the ULP charges filed with the Board in the following cases: 32-CB-154562 and 32-CB-155304, Int'l Alliance of Theatrical Stage Employees Local Union #363.

Has Description Been Modified

Description Available to the Public

No

Short Description

Int'l Alliance of Theatrical Stage Employees Local Union #363.

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

January 21, 2016

Byron Andrus
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road
Suite 600
Springfield, VA 22160

Re: FOIA IDs: LR-2016-0407 and LR-2016-0439

Dear Mr. Andrus:

This is in response to your two requests, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 24, 2015 and November 30, 2015, in which you seek:

- (i) unredacted copies of the unfair labor practice charges filed in *International Alliance of Theatrical Stage Employees Local Union #303 (Total Crew Services, Inc.)*, Case Nos. 32-CB-154562 and 32-CB-155304; and
- (ii) unredacted copies of the RD petition and the service list in *Lift Truck Sales & Service*, Case No. 14-RD-137434.

In your requests, you seek a fee waiver and/or status as a representative of the news media, but you agree to pay up to \$50 for the processing of these requests.

Pursuant to a conversation with a member of my staff on January 5, 2016, you agreed that these two requests could be handled together.

Your requests are granted in part, and denied in part. Redacted copies of the two requested charges and the RD petition, and a case participant list, totaling 4 pages, are attached. In particular, the names and contact information on the unfair labor practice charges have been redacted, and, in light of the Board's issuance of a decision in 14-RD-137434, the contact information only on the petition has been redacted.

Accordingly, your requests are denied to the extent that you seek unredacted copies of these documents. Pursuant to General Counsel Memorandum 15-07 (dated August 12, 2015), titled "Modifying Interpretation of Section 102.117(b)(1) Regarding Redaction of Formal Documents Before the Opening of a NLRB Public Hearing or Forwarding to the Board on a Stipulated Record," redactions have been made to portions of the charges, pursuant to the policies embodied in Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and 7(C)), as disclosure of those portions would constitute an unwarranted

Mr. Byron Andrus
January 21, 2016

invasion of privacy of the individuals named therein. Moreover, as a matter of our administrative discretion, the Agency, in this instance, is voluntarily providing the documents to you at no cost, and as a result, we do not reach your request for a fee waiver and/or status as representative of the media. This voluntary disclosure, at no cost, is non-precedential with respect to any future requests you may make.

In support of your requests, you incorporate by reference several arguments asserted in support of your appeal from an earlier determination (FOIA ID: LR-2015-0638) (FOIA Appeal), denying a similar request for copies of unredacted documents. Essentially, you contend that: i) the requested documents do not fall within Exemption 6's protection of "personnel and medical and similar files" or Exemption 7's protection of files created for "law enforcement purposes"; ii) no privacy interest attaches to publicly-filed charges and election petitions that have been released without redaction for decades; and iii) the Foundation seeks to serve "the public interest" by matching experienced pro bono lawyers with charging parties (and petitioners) who have initiated their own Agency proceedings by offering them free legal representation, for which you claim a First Amendment right attaches.

For the following reasons, I find these arguments fail to justify disclosure of unredacted copies of the requested documents.

A. Information Contained in Charges and Petitions That Applies to Particular Individuals Meets Threshold Requirements of Exemptions 6 and 7(C)

To warrant protection under Exemption 6, information must first meet the threshold requirement that it falls within the category of "personnel and medical files and similar files." 5 U.S.C. § 552(b)(6). In *United States Dep't of State v. Washington Post Co.*, the Supreme Court firmly held, based upon a review of the legislative history of the FOIA, that Congress intended the term to be interpreted broadly, rather than narrowly. 456 U.S. 595, 599-03 (1982) (citing H.R. Rep. No. 89-1497, at 11 (1966); S. Rep. No. 89-813, at 9 (1965); S. Rep. No. 88-1219, at 14 (1964)). The Court stated that the protection of an individual's privacy "surely was not intended to turn upon the label of the file which contains the damaging information." 456 U.S. at 601 (citing H.R. Rep. No. 89-1497, at 11 (1966)).

Thus, it would be anomalous for information about a person to be protected by Exemption 6 because it was found in a "medical" or "personnel" file, but lose protection if it happened to be found in another file. *Washington Post Co.*, 456 U.S. at 601. Rather, *the Court made clear that all information that "applies to a particular individual" meets the threshold requirement for Exemption 6 protection. Id.* at 602 (emphasis supplied). This means, of course, that this threshold is met if the information applies to any particular, identifiable individual--which makes it readily satisfied in all but the most unusual cases. See, e.g., *Associated Press v. Dep't of Defense*, 554 F.3d 274, 291 (2d Cir. 2009) (finding that records applying to detainees whose family members seek protection are "similar files"); *Lakin Law Firm, P.C. v. FTC*, 352 F.3d 1122, 1123 (7th Cir. 2003) (finding that consumer complaints filed with the Federal Trade Commission "clearly fall[] within the exemption").

Mr. Byron Andrus
January 21, 2016

Here, your FOIA requests seek records that contain particular *named* individuals and, therefore, fall squarely within the broad interpretation intended by Congress as a “similar file.” Accordingly, I find that the requested records are “similar files” under Exemption 6.

Moreover, it is well settled that the Board’s unfair labor practice proceedings qualify for protection under Exemption 7’s coverage of “law enforcement purposes.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 222-23, 234-37 (1978). The district court case upon which the Foundation relies in its FOIA Appeal, *Mylan Pharmaceuticals, Inc. v. NLRB*, 407 F. Supp. 1124 (W.D. Pa. 1976) (FOIA Appeal, at 16), is not persuasive here, as it was decided prior to the Supreme Court’s broadening of the privacy threshold in *Washington Post* and narrowing of “public interest” in *United States Dep’t of Justice v. Reporters Comm. for the Freedom of the Press*, 489 U.S. 749 (1989) (*Reporters Committee*).

Further, documents submitted, created, or collected during the investigation of a Board representation case meet the threshold of Exemption 7 because, as is the case with unfair labor practice proceedings, the conduct of representation proceedings indisputably lies at the heart of the Board’s regulatory responsibilities under the National Labor Relations Act. See *Injex Indus. v. NLRB*, 699 F. Supp. 1417, 1419 (N.D. Cal. 1986) (finding that the NLRB’s responsibility to process representation elections constitutes law enforcement proceedings).

Because Exemption 6 applies to both the requested charges and petition and the case participant list, Exemption 7(C) applies as well, because its language establishes a lesser burden of proof to justify withholding than that of Exemption 6. See *National Archives and Records Administration v. Favish*, 541 U.S. 157, 165-66 (2004) (Exemption 7(C) requires a showing of “unwarranted invasion of privacy,” as opposed to Exemption 6’s reference to a “clearly unwarranted invasion”).

B. Privacy Interests Attach To Publicly-Filed Charges And Election Petitions

I also find that the disclosure of unredacted documents “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). The Supreme Court has explained that “both the common law and the literal understandings of privacy encompass the individual’s control of information concerning his or her person.” *Reporters Committee*, 489 U.S. at 763. Information does not need to be intimate or embarrassing to qualify for Exemption 6 protection. See *Washington Post Co.*, 456 U.S. at 600. Thus, “regardless of the nature of the information contained in them, disclosure of records containing personal details about private citizens can infringe significant privacy interests.” *FLRA v. United States Dep’t of Veterans Affairs*, 958 F.2d 503, 510 (2d Cir. 1992).

Specifically, disclosure of the contact information in the requested records clearly implicates the privacy interests of the named individuals. Courts have held that specific personal information about named individuals generally possesses an elevated privacy

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interest. See *U.S. Dep't of State v. Ray*, 502 U.S. 164, 176 (1990) ("the invasion of privacy becomes significant when personal information is linked to particular interviewees"); *Yelder v. Dep't of Defense*, 577 F. Supp. 2d 342, 346 (D.D.C. 2008) (noting that information such as names, addresses, and other personally identifying information creates a palpable threat to privacy); *People for the Am. Way Found. v. Nat'l Park Serv.*, 503 F. Supp. 2d 284, 304, 306 (D.D.C. 2007) (stating that "[f]ederal courts have previously recognized a privacy interest in a person's name and address" and concluding that "[g]enerally, there is a stronger case to be made for the applicability of Exemption 6 to phone numbers and addresses"); *Lakin Law Firm, P.C.*, 352 F.3d at 1124 ("personal identifying information is regularly exempt from disclosure. And that is as it should be, for the core purpose of the FOIA is to expose what the government is doing, not what its private citizens are up to.").

Moreover, individuals do not waive their interests in privacy merely by filing unfair labor charges or election petitions and invoking the Board's processes. See, e.g., *Lakin Law Firm, P.C.*, 352 F.3d at 1124 (personal identifiers of consumers complaining to the Federal Trade Commission held protected under Exemption 6 because "the personal privacy interests of consumers did not disappear when they complained to the FTC."). Cf. *H.B. Zachary Co.*, 310 NLRB 1037, 1038 n.5 (1993) (employee does not waive her rights to confidentiality by giving a copy of her affidavit to the charging party union). Nor can the Agency waive individual charging parties' and petitioners' privacy interests. See *Lakin Law Firm*, 352 F.3d at 1124; *Sherman v. U.S. Dep't of the Army*, 244 F.3d 357, 363-64 (5th Cir. 2001) ("only the individual whose informational privacy interests are protected by Exemption 6 can effect a waiver of those privacy interests when they are threatened by an FOIA request"); *Milton v. U.S. Dep't of Justice*, 783 F. Supp. 2d 55, 59 (D.D.C. 2011).

Further, the General Counsel, in GC Memorandum 15-07, has explained how the privacy interests of individual charging parties and petitioners may be negatively affected by involuntary disclosure of their personal information. GC Memorandum 15-07 describes the negative and chilling effects that result from uncredited or mischaracterized allegations and information being placed in the public domain without adjudication or evaluation by an administrative law judge or the Board, that prospective and current employers may see, search for, and potentially use against them. See GC Memorandum, at 3-5 and 6, n.14. An important distinction recognized by the General Counsel is that this privacy interest changes once an unfair labor practice hearing opens or a stipulated record is presented to the Board for decision, and thus, the General Counsel's policy does not call for redaction of charges and petitions after that point. See GC Memorandum 15-07, at 3 (discussing that 90 percent of NLRB proceedings—about nineteen thousand unfair labor practice cases each year—do not result in a public hearing).

FOIA law is clear that there is little cognizable public interest in the release of information about named individuals in formal documents

The privacy interests of charging parties and petitioners here must be balanced against the public interest that would be served by disclosure of their identities and contact

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information. See *Schiffer v. FBI*, 78 F.3d 1405, 1410 (9th Cir. 1996). The Supreme Court has repeatedly held that the only public interest that is relevant to this balancing test is exposure of an agency's performance of its statutory duties. *Reporters Comm.*, 489 U.S. at 773. See also *United States Dep't of Defense v. FLRA*, 510 U.S. 487, 495 (1994) ("the only relevant 'public interest in disclosure' to be weighed in this balance is the extent to which disclosure would serve the 'core purpose of the FOIA,' which is 'contribut[ing] significantly to public understanding of the operations or activities of the government.'") (quoting *Reporters Committee*). A requester must do more than identify a public interest that qualifies for consideration; the requester must demonstrate that the public interest in disclosure is sufficiently compelling to outweigh legitimate privacy interests. See *Senate of P.R. v. United States Dep't of Justice*, 823 F.2d 574, 588 (D.C. Cir. 1987).

In your requests, you state that the Foundation wants to obtain the bare minimum of information necessary to reach out to charging parties and petitioners litigating NLRB cases *pro se* and offer them free legal representation, as well as to publicize their cases. You claim that these activities serve the public interest by matching experienced pro bono lawyers with charging parties (and petitioners) who have already initiated proceedings with the Agency in order to offer them free legal representation.

The Foundation's asserted public interest objectives (FOIA Appeal, at 11) are not cognizable under the FOIA, and therefore do not outweigh the individuals' privacy interests. Whether an invasion of privacy is warranted does not turn on the purposes for which the information request is made. See *Dep't of Defense v. FLRA*, 487 U.S. at 496. Rather, as noted, the only relevant public interest consideration is whether disclosure of the requested information appreciably furthers the public's right to be informed about what their Government is up to. Accordingly, it does not matter that the Foundation intends to use the information to contact unrepresented employees to offer them free legal assistance and expertise that they would not otherwise receive in defending against experienced employer or union lawyers in their pending Agency cases. Similarly, it is of no import that the Foundation does not seek to profit from the information. Further, neither the Foundation's claims that there has been no misuse of this personal data, nor that its current clients have welcomed the offers of representation by the Foundation (FOIA Appeal, p. 6) change this result. As for publicizing issues before the Board, revealing the names and contact information of the charging parties and petitioners does not add to identifying those issues, let alone understanding them. As the General Counsel's Memorandum explained:

Importantly, the redaction of individuals' names and personal identifiers from formal documents will otherwise leave intact the documents' factual and legal content. The formal documents will thus continue to inform the public about "what their Government is up to." *Favish*, 541 U.S. at 171-72. It is not also necessary that the Agency disclose the names of private individuals and thus expose them to potential embarrassment, public opprobrium, or damaged employment prospects. *Id.*

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GC Memorandum, 15-07 at 5. For all of these reasons, you have not demonstrated a public interest in the documents.¹

In re Primus, 436 U.S. 412 (1978), a First Amendment case you cite in your request letter and FOIA Appeal, does not support your argument for disclosure of unredacted documents (FOIA Appeal, at 9-10; FOIA Requests, at 2). The Supreme Court's holding that the nonprofit litigation groups' solicitation of prospective litigants is protected First Amendment conduct has no direct bearing on our FOIA analysis. See *Ctr. for Nat. Sec. Studies v. U.S. Dep't of Justice*, 331 F.3d 918, 934 (D.C. Cir. 2003) ("in contrast to FOIA's statutory presumption of disclosure, the First Amendment does not mandate a right of access to government information or sources of information within the government's control.") (quotation omitted). Thus, the Foundation's asserted First Amendment interest in the information does not place it in any better position than other FOIA requesters. See *Dep't of Defense v. FLRA*, 510 U.S. at 499 ("the fact that [requesters] are seeking to vindicate the policies behind the Labor Statute is irrelevant to the FOIA analysis.").

Nor is the Foundation's reliance on *Getman v. NLRB*, 450 F.2d 670, 680 (D.C. Cir. 1971) (FOIA Appeal, at 7-9) well founded. Although the D.C. Circuit held at that time that the Exemption 6 balancing test required the release of *Excelsior* list information to a group of law professors, twenty years later, the D.C. Circuit implicitly overruled *Getman* in light of *Reporters Committee's* narrowing of the "public interest" concept. *Reed v. NLRB*, 927 F.2d 1249, 1251-52 (D.C. Cir. 1991). Neither is *Van Bourg, Allen, Weinberg & Roger v. NLRB*, 728 F.2d 1270 (9th Cir. 1984), cited in your FOIA Appeal, at 12-13, persuasive here, as the Ninth Circuit's expansive view of "public interest" was also decided prior to *Reporters Committee*.

Because I find that you have failed to carry your burden of identifying a cognizable public interest that outweighs the legitimate privacy interest held by the individual charging parties and petitioner contained in the requested documents, the names and contact information of the charging parties, and the contact information of the petitioner, are being withheld under Exemption 6. Likewise, balancing the privacy interests against the public interest under Exemption 7(C) leads to the same result, as Exemption 7(C) is more protective of privacy than Exemption 6.² Indeed, identities of individuals who

¹ Even if your need was relevant to a public interest recognized under the FOIA, here the Foundation apparently was able to obtain the names of the charging parties and the petitioner in the requested cases (Requests, at 1). The Foundation's submission of the petitioner's January 8, 2015 letter to the General Counsel with its request also apparently indicates that the Foundation is already in contact with the petitioner.

² As the Supreme Court noted in *Reporters Committee*, "Exemption 7(C)'s privacy language is broader than the comparable language in Exemption 6 in two respects." 489 U.S. at 756. First, Exemption 6 requires that the invasion of privacy be "clearly unwarranted," whereas Exemption 7(C) requires only that the invasion be "unwarranted." Second, Exemption 6 requires a disclosure that "would constitute" an invasion of privacy, whereas Exemption 7(C) requires only that a disclosure "could reasonably be expected to constitute" an invasion of privacy.

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appear in law enforcement files would virtually never be “very probative of an agency’s behavior or performance.” *SafeCard Services Inc. v. United States Sec. and Exch. Comm’n.*, 926 F.2d 1197, 1206 (D.C. Cir. 1996).

Accordingly, the Agency is hereby providing you with the copies of the charges in Case Nos. 32-CB-154561 and 32-CB-155304, and RD petition and case participant list in Case No. 14-RD-137434, with the names, home and email addresses, and contact information redacted.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Thus, the appeal must be received by the close of business at 5:00 p.m. (ET) on February 18, 2016. Any appeal should contain a complete statement of the reasons upon which it is based. For questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlrb.gov.

Sincerely,

Deirdre MacNeil

Deirdre MacNeil
Freedom of Information Act Officer

Attachments: (four pages)

NLRB-2016-000495 Request Details

Clock Days: 168 Backlogged**Case Phase:** Closed **Case Status:** Closed **Due Date:** 12/23/2015

Requester Information

Requester	Aaron Solem
Organization	National Right to Work Legal Defense Foundation
Requester Has Account	No
Email Address	abs@nrtw.org
Phone Number	703-321-8510
Fax Number	
Address	8001 Braddock Rd.
City	Springfield
State/Province	VA
Zip Code/Postal Code	22160
Tracking Number	NLRB-2016-000495
Submitted Date	11/24/2015
Received Date	11/24/2015
Perfected Date	11/24/2015
Last Assigned Date	
Assigned To	Patricia Weth (National Labor Relations Board (NLRB))
Last Assigned By	
Request Track	Simple
Fee Limit	\$0.00

Request Handling

Requester Info Available to the Public	Yes ▼
Request Track	Simple ▼
Fee Category	Commercial ▼
Fee Waiver Requested	No
Fee Waiver Status	
Expedited Processing Requested	No
Expedited Processing Status	
Request Type	FOIA ▼
Request Perfected	Yes ▼
★ Perfected Date	11/24/2015
Acknowledgement Sent Date	07/26/2016
Unusual Circumstances	No
Litigation	No ▼
5 Day Notifications	

Description

90/2000

All documents from the case file in these cases: 14-RD-082222; 14-RD-091151; 14-RD-091866.

Has Description Been Modified

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
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No supporting files have been uploaded.

NLRB-2021-000463 Request Details

Case Status: Processing Tasks Due Date: 03/09/2021 Clock Days: 36 Backlogged

Case Phase: Processing

Requester Information

Requester Glenn M. Taubman
Organization National Right to Work Legal Defense Foundation, Inc.
Requester Has Account No
Email Address gmt@nrtw.org
Phone Number 7033218510
Fax Number 7033219319
Address 8001 Braddock Rd., Suite 600
City Springfield
State/Province VA
Zip Code/Postal Code 22160
Tracking Number NLRB-2021-000463
Submitted Date 02/08/2021
Received Date 02/08/2021
Perfected Date 02/08/2021
Last Assigned Date 02/09/2021
Assigned To Ed Hughes (National Labor Relations Board (NLRB))
Last Assigned By Patricia Weth (National Labor Relations Board (NLRB))
Request Track Simple
Fee Limit \$400.00

Request Handling

Requester Info Available to the Public Yes
Request Track Simple
Fee Category Commercial
Fee Waiver Requested No
Fee Waiver Status
Expedited Processing Requested No
Expedited Processing Status
Request Type FOIA
Request Perfected Yes
★ Perfected Date 02/08/2021
Acknowledgement Sent Date 02/08/2021
Unusual Circumstances No
Litigation No
5 Day Notifications

Description

40/2000

The attachment contains the FOIA request

✓ Has Description Been Modified

1427/2000

1) All documents or communications between Ohr and any Member of Congress or their staff that reference or concern specific matters or cases, the removal of any employee in the NLRB Office of General Counsel including Peter Robb or Alice Stock. 2) All documents or communications between Ohr and any member of the Biden-Harris transition team for specific matters or cases, the removal of any employee in the NLRB Office of General Counsel including Peter Robb or Alice Stock. 3) All documents or communications between Ohr and any union that reference or concern specific matters or cases, the removal of any employee in the NLRB Office of General Counsel including Peter Robb or Alice Stock. 4) All documents or communications between Ohr and any official or employee of the U.S. Government, including the NLRB and the Office of Presidential Personnel, that reference or concern specific matters or cases, the including General Counsel Peter Robb or Deputy General Counsel Alice 5) All documents or communications between Ohr and any private citizen or entity that reference or concern specific matters or cases, the removal of any employee in the NLRB Office of General Counsel including Peter Robb or Alice Stock. 6) All documents within the possession of the NLRB that reference or concern specific matters or cases, the removal of any employee in the NLRB Office of General Counsel including Peter Robb or Alice Stock.

Description Available to the Public

No

Short Description

Attached Supporting Files

Attachments Available to the Public

No

Attached File Name	Size (MB)	File Type	Remove
FOIA Request - FINAL 2-8-21.pdf	0.426	Adobe PDF Document	