

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

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**HOWARD INDUSTRIES, INC.,** \*  
**TRANSFORMER DIVISION** \*  
\*  
**and** \*  
\*  
**INTERNATIONAL BROTHERHOOD OF** \*  
**ELECTRICAL WORKERS, LOCAL** \*  
**UNION 1317** \*  
\* \* \* \* \*

**Case No. 15-CA-18637**

**JOINT MOTION TO RESCIND THE BOARD'S SUPPLEMENTAL ORDER**

**NOW COMES** the General Counsel, through the undersigned Counsel for the General Counsel, and the International Brotherhood of Electrical Workers, Local Union 1317 (Charging Party), through the undersigned Counsel for Charging Party, to file this Joint Motion to Rescind the Board's Supplemental Order, and allege the following:

On July 6, 2009, a hearing on this matter was held before an Administrative Law Judge in Laurel, Mississippi. After hearing the evidence, the ALJ issued a bench decision.

On July 28, 2009, the ALJ issued his formal Decision recommending that the Complaint be dismissed, and the case was transferred to the Board. On August 24, 2009, the General Counsel filed Exceptions to the ALJ's Decision. On September 1, 2009, the Charging Party joined in the General Counsel's Exceptions. Also on September 1, 2009, Respondent filed an answering brief opposing the Exceptions.<sup>1</sup> On October 22, 2009, the Board remanded the matter back to the ALJ to make certain factual findings.

On November 20, 2009, the ALJ issued a Supplemental Decision containing the necessary factual findings, recommending the Complaint in this matter be dismissed, and the

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<sup>1</sup> Though styled as a Motion to Strike Exceptions, the Board treated the document as an answering brief.

case was transferred back to the Board. However, Counsel for the General Counsel, Region 15 and the Charging Party were not served with the Supplemental Decision.

Nevertheless, on January 13, 2010, the Board, citing the fact that no exceptions were filed, issued a Supplemental Order automatically adopting the ALJ's Supplemental Decision and dismissing the Complaint.

Counsel for the General Counsel, Region 15 and the Charging Party first received a copy of the ALJ's Supplemental Decision on January 21, 2010.

**WHEREFORE**, because Counsel for the General Counsel, Region 15, and the Charging Party were not served with a copy of the Supplemental Decision, and thus were not able to file exceptions, if desired, the Counsel for the General Counsel and the Charging Party request that:

1. The Board's January 13, 2010 Supplemental Order be rescinded.
2. An order be issued authorizing the parties in this matter to file exceptions to the Supplemental Decision, if desired, within the deadlines prescribed by Section 102.46 of the Board's Rules and Regulations, from the date of the order.

Signed this 27<sup>th</sup> day of January, 2010.

/s/ Roger K. Doolittle  
**Roger K. Doolittle**  
Counsel for Charging Party  
560 Briarwood Drive, Suite 500  
Jackson, Mississippi 39206  
601-957-9777  
rogerkdoolittle@aol.com

/s/ Joseph A. Hoffmann, Jr.  
**Joseph A. Hoffmann, Jr.**  
Counsel for the General Counsel  
National Labor Relations Board, Region 15  
600 South Maestri Place, 7<sup>th</sup> Floor  
New Orleans, Louisiana 70130  
504-589-6392  
joseph.hoffmann@nlrb.gov

**Certificate of Service**

I hereby certify that I have served a copy of the foregoing Motion on the following individual, by email:

**Elmer E. White, III**  
eew@kullmanlaw.com  
Counsel for Respondent

/s/ Joseph A. Hoffmann, Jr.  
Joseph A. Hoffmann, Jr.  
Counsel for the General Counsel