



United States Government
NATIONAL LABOR RELATIONS BOARD
Subregion 36
601 Southwest Second Avenue - Suite 1910
Portland, OR 97204-3170

Telephone: (503) 326-3085
Facsimile: (503) 326-5387
Agency WEB site: www.nlrb.gov

March 11, 2011

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
109914th Street, N.W., Room 11602
Washington, D.C. 20570-0001

Re: Hoodview Vending – Case 36-CA-10615

Dear Mr. Heltzer:

On January 18, 2011, Counsel for the Acting General Counsel filed exceptions with the Board to a decision issued by Judge Lana H. Parke in the above-referenced case (“Hoodview Vending”). One of the issues in that matter is whether the alleged discriminatee’s conduct for which she was discharged by Respondent was protected, concerted activity.

On January 28, 2011, the Board issued its decision in Parexel International, LLC, 356 NLRB No. 82, finding that the policies of the Act as well as Board precedent allow for the finding of a violation when an employer discharges an employee to prevent the employee from engaging in protected, concerted activity. As the Board’s decision in Parexel may have some applicability to the facts of the instant case, it is respectfully requested that the Board consider the “pre-emptive strike” theory adopted in the Parexel case when evaluating the merits of the Acting General Counsel’s exceptions.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Helena A. Fiorianti".

Helena A. Fiorianti
Counsel for the Acting General Counsel

cc:
Thomas M. Triplett, Esq.
Schwabe, Williamson & Wyatt
Pacwest Center, Suites 1600-1900
1211 S.W. Fifth Avenue
Portland, OR 97207
ttripllett@schwabe.com

Mr. Paul Cloer
AWPPW
P.O. Box 4566
Portland, OR 97208
paulcloer@awppw.org